

ESTTA Tracking number: **ESTTA662418**

Filing date: **03/20/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91215896
Party	Plaintiff Bells Brewery, Inc.
Correspondence Address	SARAH M ROBERTSON DORSEY & WHITNEY LLP 51 W 52ND ST NEW YORK, NY 10019-6119 UNITED STATES ny.trademark@dorsey.com, robertson.sarah@dorsey.com, ewing.bruce@dorsey.com
Submission	Other Motions/Papers
Filer's Name	Fara S. Sunderji
Filer's e-mail	sunderji.fara@dorsey.com, robertson.sarah@dorsey.com, ny.trademark@dorsey.com
Signature	/fss/
Date	03/20/2015
Attachments	(1) NC Motion.pdf(411011 bytes) (2) NC Dec.pdf(122323 bytes) Exhibit A.pdf(55276 bytes) Exhibit B.pdf(2696504 bytes) Exhibit C.pdf(558181 bytes) Exhibit D.pdf(226875 bytes) Exhibit E.pdf(547706 bytes) Exhibit F.pdf(527462 bytes) Exhibit G.pdf(260555 bytes) Exhibit H.pdf(513426 bytes) Exhibit I.pdf(3715132 bytes) Exhibit J - REDACTED.pdf(82083 bytes) Exhibit K.pdf(167266 bytes) Exhibit L.pdf(1034494 bytes)

Bell's Brewery, Inc.,
v.
Innovation Brewing,

**NON-CONFIDENTIAL
VERSION**

Opposer Bell's Brewery, Inc. ("Opposer"), by and through its undersigned counsel, hereby moves the Trademark Trial and Appeal Board (the "Board") for leave to file an Amended Notice of Opposition pursuant to Rule 15(a) of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.107(a).¹

Opposer seeks leave to file its First Amended Notice of Opposition based upon facts Opposer discovered during discovery and facts that arose after Opposer filed its original Notice of Opposition to the registration of Applicant Innovation Brewing's ("Applicant") proposed mark INNOVATION BREWING, Application Serial No. 85/929/587 (the "Innovation Brewing Designation"). Opposer recently learned that Applicant chose the Innovation Brewing Designation because it describes a characteristic of Applicant's goods and/or a method of making such goods. In particular, Applicant's principals have made statements to the press

¹ The facts necessary for determination of this issue are set forth in the declaration of Fara S. Sunderji, dated March 20, 2015, attached hereto as Exhibit I, and the exhibits attached thereto. A copy of Opposer's proposed First Amended Notice of Opposition is attached to the Sunderji Declaration ("Sunderji Decl.") as Exhibit L. Pursuant to Section 507.01 of the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), a red-lined copy of Opposer's First Amended Notice of Opposition showing Opposer's proposed changes is attached to the Sunderji Decl. as Exhibit K.

describing their goods as innovative. Moreover, discovery conducted late in the discovery period reinforced the descriptive nature of the Innovation Brewing Designation. Accordingly, Opposer seeks leave to amend its Notice of Opposition to allege as a further ground for opposition that the Innovation Brewing Designation is merely descriptive.

STATEMENT OF FACTS

On May 12, 2013, Applicant filed Application Serial No. 85/929,587 for INNOVATION BREWING covering “beer” in International Class 32, and disclaiming the term “BREWING.” Sunderji Decl. ¶ 2, Exhibit A. On April 14, 2014, Opposer filed a Notice of Opposition (the “Opposition”) to registration of Applicant’s Innovation Brewing Designation based upon (1) its ownership of Registration No. 3,122,464 for INSPIRED BREWING covering “beer, porter, ale, stout and malt liquor” in International Class 32; (2) its prior use in commerce of INSPIRED BREWING; (3) a likelihood of confusion between Opposer’s INSPIRED BREWING mark and Applicant’s Innovation Brewing Designation; (4) its prior use in commerce of BOTTLING INNOVATION SINCE 1985 in connection with alcoholic beverages; and (5) a likelihood of confusion between Opposer’s common law trademark BOTTLING INNOVATION SINCE 1985 and Applicant’s Innovation Brewing Designation. Sunderji Decl. ¶ 3, Exhibit B.

On March 11, 2015, almost one year after Opposer’s Notice of Opposition was filed, the Sylva Herald published an article concerning the Opposition which included statements from Applicant’s principal, Ms. Nicole Dexter, about the descriptiveness of the Innovation Brewing Designation. In particular, Applicant stated that it chose the Innovation Brewing Designation because “everything we’ve had to do to start this place has been innovative.” Sunderji Decl. ¶ 4, Exhibit C, p. 2. Another article published on the same day included a statement by Applicant’s other principal, Mr. Charles Owen that “[i]nnovation is what we had to do to make everything

work.” Sunderji Decl. ¶ 5, Exhibit D, p. 1. Earlier this year, Applicant also provided comments for an article published by Examiner.com titled *Innovation Brewing hops out with creativity and success: A new week, a new beer*, which confirmed that “[Ms.] Dexter attributed [Applicant’s] success and strong following to the fact that they have brewed unique beer.” Sunderji Decl. ¶ 6, Exhibit E, p. 1.

In fact, it is commonly said that “[t]he hallmark of craft beer and craft brewers is innovation.” See Sunderji Decl. ¶¶ 7–10, Exhibits F–I. This is because innovation describes what all craft brewers must do to make beer that consumers want to drink. Accordingly, numerous third parties use the term “innovation” or a similar term to describe the very same goods for which Applicant seeks protection, namely beer. For example, an article published by the Fort Collins Coloradan stated “[t]he hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that have no precedent.” Sunderji Decl. ¶ 7, Exhibit F, p. 1. The term “innovation” is so commonly used to describe beer that Applicant’s own counsel recently stated that marks including the term “innovation” or “innovative” should not be afforded much protection and that “one brand can’t claim full use of a word.” Sunderji Decl. ¶ 4, Exhibit C, p. 2. Considering that Applicant has already disclaimed the term “brewing” in the Innovation Brewing Designation, Applicant’s counsel’s statement suggests that Applicant’s entire mark is descriptive of the goods for which it has sought registration. See *id.*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ARGUMENT

THE BOARD SHOULD GRANT OPPOSER’S LEAVE TO FILE AN AMENDED NOTICE OF OPPOSITION BECAUSE DISCOVERY IN THIS PROCEEDING REVEALED NEW GROUNDS FOR DENYING REGISTRATION OF THE INNOVATION BREWING DESIGNATION

Amendments to pleadings in *inter partes* proceedings are governed by Rule 15 of the Federal Rules of Civil Procedure. 37 C.F.R. § 2.107(a); TBMP § 507.01. Under that rule, a party may amend its pleading before trial with leave of court, and “[t]he court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). In general, “the Board liberally grants leave to amend pleadings at any stage of the proceeding when justice requires, unless entry of the proposed amendment would violate settled law or be prejudicial to the rights of the adverse party.” *Zanella Ltd. v. Nordstrom, Inc.*, 90 USPQ2d 1758, 1759 (TTAB 2008). *See also Commodore Elect. Ltd. v. Cbm Kabushiki Kaisha*, 26 USPQ2d 1503, 1505 (TTAB 1993) (“in deciding opposer's motion for leave to amend, the Board must consider whether there is any undue prejudice to applicant and whether the amendment is legally sufficient.”) Moreover, this liberal approach to amendments applies “even when a plaintiff seeks to amend its complaint to plead a claim other than those stated in the original complaint.” *Republic Technologies (NA), LLC v. Brooks Entertainment Inc.*, No. 91212024, 2014 WL 4896414, at *2 (TTAB Sept. 16,

2014) (not precedential); *see also Boral Ltd. v. FMC Corp.*, 59 USPQ2d 1701, 1702 (TTAB 2000).

A. The Proposed Amendments Contain Valid Grounds for Opposition under 15 U.S.C. 1052(e)(1)

Here, Opposer's proposed amendment to its Notice of Opposition is legally sufficient. Opposer need only plead facts that would, if proven, establish a further statutory ground to oppose registration. *See Commodore*, 26 USPQ2d at 1505. Opposer seeks to amend its Notice of Opposition to allege that the Innovation Brewing Designation is merely descriptive of the goods provided by Applicant. This allegation, if proven, would prevent Applicant from registering the Innovation Brewing Designation on the Principal Register. *See* 15 U.S.C. § 1052(e)(1); *In re Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300 (Fed. Cir. 2012) (trademark registration refused for being merely descriptive); *see also* J. Thomas McCarthy, *Trademark and Unfair Competition*, § 20:19 (4th ed. 2015) ("An opposer may rely upon Lanham Act § 2(e)(1) as a ground of opposition, asserting that the mark sought to be registered is merely descriptive, is generic, or is deceptively misdescriptive.").

The descriptiveness of a proposed mark is analyzed "in relation to the goods or services for which registration is sought, the context in which it is being used on or in connection with the goods or services, and the possible significance that the mark would have to the average purchaser of the goods or services because of the manner of its use." *In re Positec Group Limited*, No. 77920346, 2013 WL 5467010, at *2 (TTAB Sept. 13, 2013) (precedential) (holding SUPERJAWS merely descriptive of machine tools used for clamping). Further, as the Board recently held in *Positec*:

When two or more merely descriptive terms are combined, the determination of whether the composite mark also has a merely descriptive significance turns on whether the combination of terms evokes a new and unique commercial

impression. If each component retains its merely descriptive significance in relation to the goods or services, the combination results in a composite that is itself merely descriptive.

Id. at *3 (citing decisions finding PATENTS.COM merely descriptive of computer software for managing a database of records that could include patents and for tracking the status of the records by means of the Internet; URBANHOUSING merely descriptive of real estate brokerage, real estate consultation and real estate listing services; and SMARTTOWER merely descriptive of commercial and industrial cooling towers).

Here, Opposer has alleged that the Innovation Brewing Designation merely describes Applicant's brewing methods and products, [REDACTED]

[REDACTED] Applicant has also admitted as much to the press in multiple recent news articles. *See* Sunderji Decl. ¶ 4, Exhibit C, p. 2, Sunderji Decl. ¶ 5, Exhibit D, p. 1. Furthermore, Opposer has alleged that the craft brewing community has defined its beer products using the often cited term "innovative." *See* Sunderji Decl. ¶ 8, Exhibit G, p. 1, Sunderji Decl. ¶¶ 9–10, Exhibits H–I. Thus, Opposer now alleges that the Innovation Brewing Designation is "merely descriptive" within the meaning of 15 U.S.C. § 1052(e)(1), and the proposed First Amended Notice of Opposition includes one new "legally sufficient" ground for opposition, making leave to amend proper. *See Commodore Elec.*, 26 U.S.P.Q.2d at 1505.

B. Applicant Will Suffer No Prejudice as a Result of Opposer's Promptly-Made Proposed Amendments, Especially Because the Trial Period Has Not Yet Begun

Applicant will not be prejudiced by the amendment. Opposer's testimony period opens on May 19, 2015, and thus the proceeding is still in the pretrial stage. *See Hurley Int'l LLC v. Volta*, 82 USPQ2d 1339, 1342 (TTAB 2007) (granting motion to amend to add claim of fraud to

opposition based on likelihood of confusion and non-use where “opposer's motion for leave to file an amended notice of opposition was filed prior to the start of trial...”). *See also Cashflow Technologies, Inc. v. NetDecide*, Nos. 30,363; 30,364, 2002 WL 192410 at *2–3 (TTAB Feb. 7, 2002) (not precedential) (granting motion to amend pleadings when motion was filed after the close of discovery but before the trial period began), *Republic Technologies*, 2014 WL 4896414, at *2–3 (granting motion to amend pleadings that was filed nearly one month after the close of discovery). Further, Applicant has not delayed in bringing the instant motion to amend. Opposer acquired the facts relevant to its new claim only as a result of discovery in this proceeding, and obtained many of the salient facts on March 19, 2015, or approximately 24 hours ago.

Thus, Opposer’s proposed amendment has been promptly made. *See Zanella*, 90 USPQ2d at 1759 (finding no delay where movant obtained information relevant to amendment through discovery and moved to amend promptly thereafter); *see also Karsten Mfg. Corp. v. Editoy AG*, 79 USPQ2d 1783, 1786 (TTAB 2006) (granting motion to amend where opposer learned information supporting new allegations “in a discovery deposition in February 2003, and filed its motion on May 8, 2003”).

Moreover, Applicant cannot be prejudiced by Opposer’s proposed amendment because Applicant's counsel has argued this very point in a news article published less than two weeks ago regarding third-party registration of marks containing the term “innovation” and use of the same in the relevant industry. *See Sunderji Decl.* ¶ 4, Exhibit C, p. 2. The proposed amendment to the Notice of Opposition does nothing more than memorialize Applicant’s counsel’s theory that the term “innovation” is merely descriptive of beer. Similarly, Applicant has widely spoken about the meaning of the term “innovation” in the context of its trademark and its use in

connection with the creation of Applicant's good, as noted above. *See id.*, Sunderji Decl. ¶ 5, Exhibit D, p. 1; *see also* [REDACTED]

Consequently, the evidence in support of and the basis for Opposer's proposed claim have already been effectively conceded by Applicant.

Nor will Applicant be prejudiced by the fact that discovery in the proceeding closed today, March 20, 2015, as "the factual basis for the motion to amend was obtained by the moving party through discovery taken from the non-moving party." TBMP § 507.02(a). *See also Hurley*, 82 USPQ2d at 1342 (granting motion to amend where applicant already had all relevant evidence to defend newly added claim in its possession). However, "in granting a motion for leave to amend, the Board may, in its discretion, reopen the discovery period so as to avoid any prejudice to the adverse party by reason of the amendment." *Boral*, 59 U.S.P.Q.2d at 1702. *See also Focus 21 Int'l Inc. v. Pola Kasei Kogyo Kabushiki Kaisha*, 22 USPQ2d 1316, 1318 (TTAB 1992) ("The motion to amend was filed prior to opening of petitioner's testimony period and thus the discovery period may be reopened without undue prejudice to respondent."). The Board can therefore cure any residual prejudice that Applicant may argue by exercising its discretion to reopen discovery on the new claim. However, Opposer respectfully submits that justice requires the Board to grant Opposer's motion because the registration of a merely descriptive mark is against public policy. *See In Re Bayer Aktiengesellschaft*, 488 F.3d 96, 963 (Fed. Cir. 2007) ("Section 2(e) (1) of the Lanham Act precludes registration of a mark that, 'when applied to the goods of the applicant, is merely descriptive of them.' 15 U.S.C. § 1052(e) (1) (2006)").

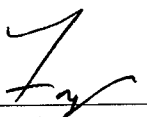
CONCLUSION

For all the foregoing reasons, Opposer requests that the Board enter an order granting Opposer leave to file an Amended Notice of Opposition and such other relief as it seems proper.

Respectfully Submitted,

DORSEY & WHITNEY LLP

Dated: March 20, 2015

By _____
Sarah M. Robertson
Susan Progoff
Fara S. Sunderji
51 West 52nd Street
New York, New York 10019
Tel.: (212) 415-9200
E-mail: ny.trademark@dorsey.com

THE FIRM OF HUESCHEN AND SAGE
G. Patrick Sage
Joanna T. French
Seventh Floor, Kalamazoo Building
107 West Michigan Avenue
Kalamazoo, Michigan 49007
Tel.: (269) 382-0030

*Attorneys for Opposer,
Bell's Brewery, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of March, 2015, a copy of the foregoing
OPPOSER'S MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR LEAVE TO FILE
AMENDED NOTICE OF OPPOSITION was served on Applicant via First Class Mail, postage
prepaid to:

Ian D. Gates, Esq.
DASCENZO INTELLECTUAL PROPERTY LAW, P.C.
1000 SW Broadway, Suite 1555
Portland, Oregon 92705

_____/klo/_____

Kaydi Osowski

EXHIBIT 1

Bell's Brewery, Inc.,
v.
Innovation Brewing,
Opposer,
Applicant.

**NON-CONFIDENTIAL
VERSION**

I, FARA S. SUNDERJI, declare as follows:

1. I am an associate with the firm of Dorsey & Whitney LLP, representing Opposer, Bell's Brewery, Inc. ("Opposer"), in the above captioned Opposition proceeding. I am licensed to practice law in the State of New York. I submit this Declaration for the purpose of setting forth certain facts and identifying documentary exhibits in support of Opposer's Motion for Leave to File Amended Notice of Opposition.
2. On May 12, 2013, Applicant Innovation Brewing ("Innovation Brewing") filed Application Serial No. 85/929,587 for INNOVATION BREWING covering "beer" in International Class 32 (the "Innovation Brewing Designation"), disclaiming the term "BREWING." A true and correct copy of the application is attached hereto as Exhibit A.
3. On April 14, 2014, Opposer filed a Notice of Opposition to registration of Applicant's Innovation Brewing Designation based upon (1) its ownership of Registration No. 3,122,464 for INSPIRED BREWING covering "beer, porter, ale, stout and malt liquor" in International Class 32; (2) its prior use in commerce of INSPIRED BREWING; (3) a likelihood of

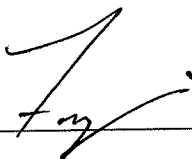
confusion between Opposer's INSPIRED BREWING mark and Applicant's Innovation Brewing Designation; (4) its prior use in commerce of BOTTLING INNOVATION SINCE 1985 in connection with alcoholic beverages; and (5) a likelihood of confusion between Opposer's common law trademark BOTTLING INNOVATION SINCE 1985 and Applicant's Innovation Brewing Designation. A true and correct copy of the Notice of Opposition is attached hereto as Exhibit B.

4. A true and correct copy of the news article originally published by the Sylva Herald on March 11, 2015, titled *Innovation Brewing trademark dispute is 'David vs. Goliath'*, is attached hereto as Exhibit C.
5. A true and correct copy of the news article published by the Greenville Online on March 11, 2015, titled *Small Carolina brewery in big trademark dispute*, is attached hereto as Exhibit D.
6. A true and correct copy of the news article published by Examiner.com on January 19, 2015, titled *Innovation Brewing hops out with creativity and success: A new week, a new beer*, is attached hereto as Exhibit E.
7. A true and correct copy of the news article published by the Fort Collins Coloradan on December 11, 2011, titled *New Belgium Brewing Co.: Building a brewery*, is attached hereto as Exhibit F.
8. A true and correct copy of the press release issued by the Brewers Association on March 16, 2015 is attached hereto as Exhibit G.
9. A true and correct copy of the first five (5) pages of search results returned on Google after searching "The hallmark of craft beer and craft brewers is innovation" is attached hereto as Exhibit H.

10. A true and correct copy of ten (10) of the articles returned in the search results on Google after searching “The hallmark of craft beer and craft brewers is innovation” is attached hereto as Exhibit I.
11. A true and correct copy of excerpts from the deposition of Applicant, through its corporate representative, Ms. Nicole Dexter dated March 19, 2015, is attached hereto as Exhibit J.
12. A true and correct copy of a red-lined version of the First Amended Notice of Opposition showing Opposer’s proposed changes is attached hereto as Exhibit K.
13. A true and correct copy of the First Amended Notice of Opposition is attached hereto as Exhibit L.

Pursuant to 28 U.S.C. §1746, I, Fara S. Sunderji, further declare under penalty of perjury that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Dated: March 20, 2015



Fara S. Sunderji

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of March, 2015, a copy of the foregoing
DECLARATION OF FARA S. SUNDERJI IN SUPPORT OF OPPOSER'S MOTION FOR
LEAVE TO FILE AMENDED NOTICE OF OPPOSITION was served on Applicant via First
Class Mail, postage prepaid to:

Ian D. Gates, Esq.
DASCENZO INTELLECTUAL PROPERTY LAW, P.C.
1000 SW Broadway, Suite 1555
Portland, Oregon 92705

_____/klo/_____
Kaydi Osowski

EXHIBIT A

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85929587

Filing Date: 05/12/2013

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	Innovation Brewing
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Innovation Brewing
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Nicole Dexter
DBA/AKA/TA/FORMERLY	DBA Innovation Brewing
*STREET	414 W Main St.
*CITY	Sylva
*STATE (Required for U.S. applicants)	North Carolina
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	28779
PHONE	941-468-4528

EMAIL ADDRESS	ndexter1324@gmail.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	LIMITED LIABILITY COMPANY
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	North Carolina
GOODS AND/OR SERVICES AND BASIS INFORMATION	
* INTERNATIONAL CLASS	032
*IDENTIFICATION	Beer
*FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS SECTION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
DISCLAIMER	No claim is made to the exclusive right to use brewing apart from the mark as shown.
CORRESPONDENCE INFORMATION	
*NAME	Nicole Dexter
FIRM NAME	Innovation Brewing
*STREET	414 W Main St.
*CITY	Sylva
*STATE (Required for U.S. applicants)	North Carolina
*COUNTRY	United States
*ZIP/POSTAL CODE	28779
PHONE	941-468-4528
*EMAIL ADDRESS	ndexter1324@gmail.com;theymightbechip@yahoo.com
*AUTHORIZED TO COMMUNICATE	

VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/nicole dexter/
* SIGNATORY'S NAME	Nicole Dexter
* SIGNATORY'S POSITION	Principal
SIGNATORY'S PHONE NUMBER	941-468-4528
* DATE SIGNED	05/12/2013

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85929587

Filing Date: 05/12/2013

To the Commissioner for Trademarks:

MARK: Innovation Brewing (Standard Characters, see [mark](#))

The literal element of the mark consists of Innovation Brewing.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Nicole Dexter, DBA Innovation Brewing, a limited liability company legally organized under the laws of North Carolina, having an address of

414 W Main St.

Sylva, North Carolina 28779

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 032: Beer

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

No claim is made to the exclusive right to use brewing apart from the mark as shown.

The applicant's current Correspondence Information:

Nicole Dexter

Innovation Brewing

414 W Main St.

Sylva, North Carolina 28779

941-468-4528(phone)

ndexter1324@gmail.com;theymightbechip@yahoo.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1

class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /nicole dexter/ Date Signed: 05/12/2013

Signatory's Name: Nicole Dexter

Signatory's Position: Principal

RAM Sale Number: 85929587

RAM Accounting Date: 05/13/2013

Serial Number: 85929587

Internet Transmission Date: Sun May 12 23:22:58 EDT 2013

TEAS Stamp: USPTO/FTK-24.178.151.30-2013051223225807

2338-85929587-5002ed8bc958927a67d85a3ee7

b8ef5e4f319b7f1125783670488d22a289d373a-

CC-7606-20130512214833350407

Innovation Brewing

EXHIBIT B

ESTTA Tracking number: **ESTTA598423**

Filing date: **04/14/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	BELL'S BREWERY, INC.
Granted to Date of previous extension	04/13/2014
Address	8938 Krum Avenue Galesburg, MI 49053 UNITED STATES
Attorney information	G. Patrick SAGE HUESCHEN & SAGE, PLLC 107 West Michigan Avenue, Seventh Floor, Kalamazoo Building Kalamazoo, MI 49007 UNITED STATES gps@hueschen-sage.us, jtf@hueschen-sage.us Phone:269-382-0030

Applicant Information

Application No	85929587	Publication date	10/15/2013
Opposition Filing Date	04/14/2014	Opposition Period Ends	04/13/2014
Applicant	Innovation Brewing 414 W Main St. Sylva, NC 28779 NEW CALEDONIA		

Goods/Services Affected by Opposition

Class 032. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Beer

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Statutory and Common Law priority and likelihood of confusion

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3122464	Application Date	05/19/2005
Registration Date	08/01/2006	Foreign Priority Date	NONE
Word Mark	INSPIRED BREWING		

Design Mark	INSPIRED BREWING
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 2003/12/00 First Use In Commerce: 2003/12/00 Beer, porter, ale, stout and malt liquor

U.S. Registration No.	4098319	Application Date	04/15/2011
Registration Date	02/14/2012	Foreign Priority Date	NONE

Word Mark	INSPIRED BREWING
-----------	------------------

Design Mark	INSPIRED BREWING
-------------	-------------------------

Description of Mark	NONE
---------------------	------

Goods/Services	<p>Class 016. First use: First Use: 2003/12/01 First Use In Commerce: 2003/12/01 Paper goods, namely, posters, stickers, bumper stickers, paper coasters; paper materials and printed matter, namely, posters, stickers, bumper stickers, paper coasters</p> <p>Class 018. First use: First Use: 2007/00/00 First Use In Commerce: 2007/00/00 Messenger bags; handbags; purses; wallets; umbrellas; patio umbrellas</p> <p>Class 021. First use: First Use: 2003/12/01 First Use In Commerce: 2003/12/01 Beverage glassware; bottle opener; reusable stainless steel water bottles sold empty; reusable plastic water bottles sold empty; insulating sleeve holders for beverage bottles; plastic coasters</p> <p>Class 024. First use: First Use: 2009/00/00 First Use In Commerce: 2009/00/00 Beach towels; towels</p> <p>Class 025. First use: First Use: 2006/00/00 First Use In Commerce: 2006/00/00 Clothing, namely, shirts, t-shirts, sweatshirts, jackets, jerseys, socks; baseball caps and hats; skull caps; scarves</p> <p>Class 028. First use: First Use: 2007/09/00 First Use In Commerce: 2007/09/00 Discs for playing disc golf; playing cards</p> <p>Class 032. First use: First Use: 2003/12/01 First Use In Commerce: 2003/12/01 Beer; ale; stout; porter; malt liquor</p>
----------------	--

U.S. Application/Registration No.	NONE	Application Date	NONE
-----------------------------------	------	------------------	------

Registration Date	NONE
Word Mark	BOTTLING INNOVATION SINCE 1985
Goods/Services	beer; ale; stout; porter; malt liquor; paper goods, namely, posters, stickers, bumper stickers

Attachments	76638946#TMSN.gif(bytes) 85296771#TMSN.jpeg(bytes) NOO.pdf(5811448 bytes)
-------------	--

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/gpsage/
Name	G. Patrick SAGE
Date	04/14/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark
Application Serial No. 85/929,587

BELL'S BREWERY, INC.

Opposer,

v.

INNOVATION BREWING

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

BELL'S BREWERY, INC. ("Opposer"), a Michigan Corporation, located at 8938 Krum Avenue, Galesburg, Michigan 49053, believes that it will be damaged by registration of the mark INNOVATION BREWING, which is the subject of Application Serial No. 85/929,587, filed by INNOVATION BREWING, a North Carolina Limited Liability Company, identifying the goods "beer", in International Class 32 ("Application"), published in the Official Gazette on 15 October 2013, and hereby opposes the same. Opposer timely extended time to oppose on 25 October 2013 and 12 February 2014.

As grounds for opposition, it is alleged that:

1. By the Application herein opposed, Applicant seeks to register the mark INNOVATION BREWING for "beer", in International Class 32. The Application was filed on 12 May 2013 under an intent-to-use basis pursuant to 15 U.S.C. §1051(b).

2. Opposer owns the entire right, title and interest in and to the trademark INSPIRED BREWING as evidenced by U.S. Registration No. 3,122,464 issued on the Principal Register of the U.S. Patent and Trademark Office on 01 August 2006 for use in association with "beer, porter, ale, stout and malt liquor", in International Class 32. The Registration provides that INSPIRED BREWING was first used in commerce in 2003. The Registration is valid and subsisting, unrevoked and uncanceled. Further, U.S. Registration No. 3,122,464 is incontestable pursuant to 15 U.S.C. §1065. An extract from the Trademark Status & Document Retrieval (TSDR) of the U.S. Patent and Trademark Office showing the current status and particulars of Opposer's Registration is attached hereto as Exhibit A and is made of record in this proceeding.
3. Opposer owns the entire right, title and interest in and to the trademark INSPIRED BREWING as evidenced by U.S. Registration No. 4,098,319 issued on the Principal Register of the U.S. Patent and Trademark Office on 14 February 2012 for use in association with "Paper goods, namely, posters, stickers, bumper stickers, paper coasters; paper materials and printed matter, namely, posters, stickers, bumper stickers, paper coasters, in International Class 16; Messenger bags; handbags; purses; wallets; umbrellas; patio umbrellas, in International Class 18; Beverage glassware; bottle opener; reusable stainless steel water bottles sold empty; reusable plastic water bottles sold empty; insulating sleeve holders for beverage bottles; plastic coasters, in International Class 21; Beach towels; towels, International Class 24; Clothing, namely, shirts, t-shirts, sweatshirts, jackets, jerseys, socks; baseball caps and hats; skull caps; scarves, International Class 25; Discs for playing disc golf; playing cards International Class 28; and Beer; ale; stout; porter; malt liquor, International Class 32. The Registration is valid and subsisting, unrevoked and

uncancelled. The Registration provides that INSPIRED BREWING was first used in commerce in association with some of the goods as early 2003. An extract from the Trademark Status & Document Retrieval (TSDR) of the U.S. Patent and Trademark Office showing the current status and particulars of Opposer's Registration is attached hereto as Exhibit A and is made of record in this proceeding.

4. The trademark INSPIRED BREWING was adopted by Opposer as trademark for alcoholic beverages as early as 2003. Opposer has engaged in the development, manufacture, advertising, distribution and sale in interstate commerce of alcoholic beverages under the INSPIRED BREWING trademark for approximately ten (10) years. As such, Opposer claims the benefit of all statutory and common law rights which have inured to the benefit of Opposer from the use of the INSPIRED BREWING trademark.
5. The INSPIRED BREWING trademark has been in continuous use in interstate commerce by Opposer for at least ten (10) years on or in connection with alcoholic beverages on labels bearing the trademark applied to the goods, on packaging in which the goods are shipped and sold, on display in advertising and in other manners which are customary in the trade.
6. Opposer's development, manufacture, advertising, distribution and sale in interstate commerce of products under the INSPIRED BREWING trademark significantly predate the filing date of the Application and any potential alleged use of the INNOVATION BREWING mark by the Applicant.
7. Opposer has made and continues to make significant investment in the INSPIRED BREWING brand, including manufacturing, advertising and promoting goods bearing

the INSPIRED BREWING trademark. As a result of such investment, Opposer enjoys significant sales, valuable goodwill, and an enviable reputation associated with the INSPIRED BREWING brand and trademark.

8. Opposer's INSPIRED BREWING trademark is distinctive and well-known and became well-known long prior to the filing date of the instant Application and any potential alleged use of the INNOVATION BREWING mark by the Applicant.
9. Applicant's INNOVATION BREWING mark, when considered in its entirety, is similar in sight, sound, appearance, and commercial impression to Opposer's INSPIRED BREWING trademark. Further, the mark, when applied to Applicant's goods, which are identical to and closely related to Opposer's goods bearing the INSPIRED BREWING trademark, or used in association with Applicant's goods, are likely to cause confusion and mistake, and to deceive and mislead consumers into believing that Applicant's beverages originated, are sponsored by, are licensed from, or are jointly owned by or otherwise associated with Opposer and/or Opposer's goods marked with its INSPIRED BREWING trademark.
10. Opposer owns the entire right, title and interest in and to the trademark BOTTLING INNOVATION SINCE 1985 which trademark was adopted by Opposer as trademark for alcoholic beverages as early as 2009 (herein referred to as "BOTTLING INNOVATION"). Opposer has engaged in the advertising, distribution and sale in interstate commerce of alcoholic beverages under the BOTTLING INNOVATION trademark for approximately four (4) years. As such, Opposer claims the benefit of all statutory and common law rights which have inured to the benefit of Opposer from the use of the BOTTLING INNOVATION trademark.

11. The BOTTLING INNOVATION trademark has been in continuous use in interstate commerce by Opposer since as early as 2009 on or in connection with alcoholic beverages, on delivery vehicles in which the goods are shipped, on display in advertising and in other manners which are customary in the trade.
12. Opposer's development, manufacture, advertising, distribution and sale in interstate commerce of products under the BOTTLING INNOVATION trademark significantly predate the filing date of the Application and any potential alleged use of the INNOVATION BREWING mark by the Applicant.
13. Opposer has made and continues to make significant investment in the BOTTLING INNOVATION brand, including advertising and promoting goods in association with the BOTTLING INNOVATION trademark. As a result of such investment, Opposer enjoys significant sales, valuable goodwill, and an enviable reputation associated with the BOTTLING INNOVATION brand and trademark.
14. Opposer's BOTTLING INNOVATION trademark is distinctive and well-known and became well-known long prior to the filing date of the instant Application and any potential alleged use of the INNOVATION BREWING mark by the Applicant.
15. Applicant's INNOVATION BREWING mark, when considered in its entirety, is similar in sight, sound, appearance, and commercial impression to Opposer's BOTTLING INNOVATION trademark. Further, the mark, when applied to Applicant's goods, which are closely related to Opposer's goods bearing the BOTTLING INNOVATION trademark, or used in association with Applicant's goods, are likely to cause confusion and mistake, and to deceive and mislead consumers into believing that Applicant's beverages originated, are sponsored by, are licensed from, or are jointly owned by or

otherwise associated with Opposer and/or Opposer's goods marked with its BOTTLING INNOVATION trademark.

16. Opposer will be irreparably damaged and/or injured by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of Applicant's mark sought to be registered in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), and will give color of statutory rights to Applicant in violation and derogation of the statutory and common law rights of Opposer in its INSPIRED BREWING trademarks.

Wherefore, Opposer believes that it will be damaged by the registration of Applicant's marks and respectfully requests that this opposition be sustained and that registration of Application Serial No. 85/929,587 be refused.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

//jtfrench//

Dated: 14 April 2014

G. Patrick SAGE (37,710)
Joanna T. FRENCH (59,688)
Attorney for Opposer
Seventh Floor, Kalamazoo Building
107 West Michigan Avenue
Kalamazoo, Michigan 49007
Phone: (269-382-0030)

DORSEY & WHITNEY LLP

//smrobertson//

Sarah M. ROBERTSON
Attorney for Opposer
51 West 52nd Street
107 West Michigan Avenue
New York, New York 10019-6119
Phone: (212-415-9200)

EXHIBIT A

STATUS DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2014-04-14 13:04:16 EDT

Mark: INSPIRED BREWING

INSPIRED BREWING

US Serial Number: 76638946

Application Filing Date: May 19, 2005

US Registration Number: 3122464

Registration Date: Aug. 01, 2006

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Sep. 15, 2011

Publication Date: May 09, 2006

Mark Information

Mark Literal Elements: INSPIRED BREWING

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "BREWING"

Goods and Services**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services:

For: Beer, porter, ale, stout and malt liquor

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 2003

Use in Commerce: Dec. 2003

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: BELL'S BREWERY, INC.

Owner Address: 8938 KRUM AVENUE
GALESBURG, MICHIGAN 49053
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where
Organized: MICHIGAN**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: G. Patrick Sage

Docket Number: BELL FTM 11

CorrespondentCorrespondent Name/Address: G. Patrick Sage
HUESCHEN & SAGE PLLC
107 WEST MICHIGAN AVENUE
SEVENTH FLOOR, KALAMAZOO BUILDING
KALAMAZOO, MICHIGAN 49007
UNITED STATES

Phone: 269-382-0030

Fax: 269-382-2030

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 16, 2011	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Sep. 15, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68335
Sep. 15, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Aug. 10, 2011	TEAS SECTION 8 & 15 RECEIVED	
Aug. 01, 2006	REGISTERED-PRINCIPAL REGISTER	
May 09, 2006	PUBLISHED FOR OPPOSITION	
Apr. 19, 2006	NOTICE OF PUBLICATION	
Mar. 17, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	71466
Mar. 06, 2006	ASSIGNED TO LIE	71466
Mar. 02, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 02, 2006	AMENDMENT FROM APPLICANT ENTERED	71466
Feb. 13, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	71466
Feb. 13, 2006	PAPER RECEIVED	
Dec. 16, 2005	NON-FINAL ACTION MAILED	
Dec. 15, 2005	NON-FINAL ACTION WRITTEN	76612
Dec. 14, 2005	ASSIGNED TO EXAMINER	76612
Oct. 02, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 20, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 31, 2005	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 115

Date in Location: Sep. 15, 2011

Assignment Abstract Of Title Information - Click to Load**Proceedings - Click to Load**

STATUS DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2014-04-14 13:03:45 EDT

Mark: INSPIRED BREWING

INSPIRED BREWING

US Serial Number: 85296771

Application Filing Date: Apr. 15, 2011

US Registration Number: 4098319

Registration Date: Feb. 14, 2012

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 14, 2012

Publication Date: Nov. 29, 2011

Mark Information

Mark Literal Elements: INSPIRED BREWING

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "BREWING"

Related Properties Information

Claimed Ownership of US [3122464](#)

Registrations:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *,* identify additional (new) wording in the goods/services.

For: Paper goods, namely, posters, stickers, bumper stickers, paper coasters; paper materials and printed matter, namely, posters, stickers, bumper stickers, paper coasters

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2003

Use in Commerce: Dec. 01, 2003

For: Messenger bags; handbags; purses; wallets; umbrellas; patio umbrellas

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(a)

First Use: 2007

Use in Commerce: 2007

For: Beverage glassware; bottle opener; reusable stainless steel water bottles sold empty; reusable plastic water bottles sold empty; insulating sleeve holders for beverage bottles; plastic coasters

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2003

Use in Commerce: Dec. 01, 2003

For: Beach towels; towels

International Class(es): 024 - Primary Class

U.S Class(es): 042, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: 2009

Use in Commerce: 2009

For: Clothing, namely, shirts, t-shirts, sweatshirts, jackets, jerseys, socks; baseball caps and hats; skull caps; scarves

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: 2006

Use in Commerce: 2006

For: Discs for playing disc golf; playing cards

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 2007

Use in Commerce: Sep. 2007

For: Beer; ale; stout; porter; malt liquor

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2003

Use in Commerce: Dec. 01, 2003

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: BELL'S BREWERY, INC.

Owner Address: 8938 Krum Avenue
Galesburg, MICHIGAN 49053
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: MICHIGAN

Attorney/Correspondence Information**Attorney of Record**

Attorney Name: G. Patrick SAGE

Docket Number: BELL FTM 21

CorrespondentCorrespondent Name/Address: G. PATRICK SAGE
HUESCHEN AND SAGE PLLC
107 W MICHIGAN AVE STE 700
KALAMAZOO, MICHIGAN 49007-3976
UNITED STATES

Phone: 269-382-0030

Fax: 269-382-2030

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Feb. 14, 2012	REGISTERED-PRINCIPAL REGISTER	
Nov. 29, 2011	PUBLISHED FOR OPPOSITION	
Nov. 09, 2011	NOTICE OF PUBLICATION	
Oct. 25, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	73296
Oct. 20, 2011	ASSIGNED TO LIE	73296
Sep. 27, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 23, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 23, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 23, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 21, 2011	NON-FINAL ACTION MAILED	
Jun. 20, 2011	NON-FINAL ACTION WRITTEN	76502
Jun. 15, 2011	ASSIGNED TO EXAMINER	76502
Apr. 19, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 19, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 14, 2012

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark
Application Serial No. 85/929,587

BELL'S BREWERY, INC.

Opposer,

v.

INNOVATION BREWING

Applicant.

Opposition No. _____

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Opposition is being served on the "Correspondent of Record" for the Applicant as well as the Attorney for the Applicant by mailing a true copy via First Class Mail, postage prepaid, addressed to:

Nicole DEXTER
414 W Main St
Sylva, North Carolina 28779-5548

Ian D. GATES, Esq.
DASCENZO INTELLECTUAL PROPERTY LAW, P.C.
1000 SW Broadway, Suite 1555
Portland, Oregon 97205

THE FIRM OF HUESCHEN AND SAGE

//jtfrench//

Dated: 14 April 2014

Joanna T. FRENCH

EXHIBIT C



2014 F-150 Year Closeout

Click Here

828-586-0900
1231 E. Main, Sylva
Across from WalMart

Your Home Town Truck Headquarters
doing business the way it should be done.



Welcome to the site!
Login or Signup below.

.....

Login | Signup

Innovation Brewing trademark dispute is ‘David vs. Goliath’


Story


Comments


Image (2)


Print


Font Size: - +




 Tweet









Previous

Next



Nick Breedlove

Innovation Brewing

Innovation Brewing is fighting a trademark dispute with Kalamazoo, Mich.-based Bell's Brewery over use of the "Innovation" name. Chip Owen and Nicole Dexter began the Sylva brewery in 2013.



Posted: Wednesday, March 11, 2015 2:00 pm | Updated: 1:32 pm, Tue Mar 17, 2015.

By Nick Breedlove

A small Sylva brewery is facing a costly legal challenge against national brewer Bell's, based in Kalamazoo, Mich.

Innovation Brewing has been named in a trademark dispute that alleges its branding is too similar to Bell's and could cause confusion among consumers.

For comparison sake, Innovation produces around 500 barrels of beer a year to Bell's 310,000 barrels.

"It's surprising that Bell's thought there might be confusion between the two," said Innovation co-owner Nicole Dexter, who started the business with her fiancé, Chip Owen, in October 2013.

Innovation filed for the trademark "Innovation Brewing" on May 12, 2013.

The U.S. Patent and Trademark Office published Innovation's intent in its circular, "The Official Gazette" on Oct. 15, 2013. Bell's then filed claim with the USPTO saying it was too similar to its 2006 trademark, "Inspired Brewing," which Bell's says has been used on stickers since 2003.

In Bell's appeal to the trademark board, company officials also say it's too similar to Bell's unregistered slogan "Bottling Innovation Since 1985," that appears on bumper stickers, posters and paper goods.

Dexter and Owens quit their previous jobs in 2013 to open Innovation, putting in 16-hour days, seven days a week, to build the brewery from the ground up.

Related Links

- Related: [Change.org Petition against Bell's](#)
- Related:



Garage Works


Residential & Commercial
Garage Doors

Sales • Service • Repair • Installation
Free Estimates

828-586-8605
doorguy818@yahoo.com

Sylva, NC

Current Conditions



Few Clouds
63°

Humidity: 55%
Winds: NW at 3mph
Feels Like: 63°

Your Extended Forecast

Today	High 73°/Low 40° Partly cloudy	Tomorrow	High 67°/Low 42° Mix of sun and clouds
Thursday	High 43°/Low 42° Cloudy with rain	Friday	High 63°/Low 43° Showers possible

7 Day Forecast

FOLLOW US ON FACEBOOK



The Sylva Herald

You like this.8,080

News Feed



The Sylva Herald

5 hrs



"For about six months we didn't take a single day off," Dexter said.

They were often seen outside their Main Street location sawing boards and carting in equipment; they did all the work themselves to transform the former wine shop into a brewery and taproom.

The couple built the tables and chairs, added two new walls, cut opening in two other walls to expand into an adjacent building, built a bar and put in a garage door that could opened in warmer seasons. They had to build a custom cooler to fit the building's space, and that's where the name came from, Chip Owen said.

"Nicole was on top of the walk-in cooler which was about to be assembled for the millionth time, and still wasn't going together," he said.

Dexter was putting all her weight against the side panel of the cooler to try and get it to lock in place.

"How about 'Innovation Brewing?' she said, adding that 'everything we've had to do to start this place has been innovative.'"

The name stuck, and that's when they filed for a trademark.

Their hard work has paid off, and the brewery is now such a popular spot that adequate parking has become an issue. This year the couple purchased their building.

The current legal battle with Bell's is expensive, but one they will continue, Dexter said.

"We didn't see any cause for confusion," Dexter said. "We've had to be really careful how we allocate our resources. We've had to be selective; if this (appeal) wasn't going on, we'd be spending money on upgrading our brew house – adding more space and fermenters."

Innovation's lawyer, Ian Gates of Portland, Oregon-based Dascenzo Intellectual Property Law, said these type disputes are common.

"It's fairly common for brand owners to monitor the trademark registry and initially reach out to trademark applicants when they see a trademark they believe might be a little too close to the brand owner's existing trademark," Gates said.

Most of the time these type of disputes resolve fairly easily, and parties establish coexistence agreements so they can both exist and operate amicably, he said.

Early exchanges between Bell's and Innovation included discussions of a coexistence agreement where both parties set forth what their respective rights should be so they wouldn't infringe on the other's brand; however, those discussions broke down, Gates said, adding the case is quickly approaching trial.

The hearing is an administrative proceeding – not a federal lawsuit, but it's akin to litigation, Gates said.

Gates indicated Innovation has a good chance.

"One aspect of trademark law in Innovation's favor is that when multiple parties use or register trademarks that share common word (like Innovation or Innovative) or other aspect," they call it a "crowded field of similar trademarks," Gates said. "In a crowded field, each respective trademark is afforded fairly narrow rights – one brand can't claim full use of a word."

A petition on [Change.org](#) has now has more than 5,400 signatures calling for Bell's to drop its "baseless lawsuit," against the family brewery that "will not be a competitor to Bell's."

Bell's public relations firm told The Herald March 11 there's an easy way to solve the issue – have Innovation drop its federal trademark application.

John Truscott of Truscott Rossman, which represents Bell's, said the disagreement has been cast in an inaccurate light and Bell's isn't looking for a financial settlement.

Meeting now: Commissioners say they will hold a public meeting within the next few weeks to solicit ideas on a new animal shelter for Jackson County.

Animal advocacy groups will be specifically invited, with Health Director Paula Carden coordinating the effort at commissioners' request. She supervises animal control.

Jackson County's shelter is more than 30 years old. There are 15 dog runs and 12 cat cages. Many animals brought to the shelter must be euthanized because there



Homes

Jobs

HOMES

ROOM FOR RENT

\$250

Updated: March 11

1 Bedroom apartment. Includes Direct TV/ internet service, heat/ air utilities, water

\$525

posted: March 11


2 BEDROOM UNFURNISHED apartment. Water sewer, garbage pick up furnished.

Updated: March 11


More Homes

Innovation on Saturday (March 14) said they offered Bell's another co-existence agreement in hopes of resolving the outstanding issues.

LATEST E-EDITION



☒ Also post on Facebook




Rob Rex · ★ Top Commenter

This isn't David vs. Goliath. This is big David vs. little David.


Reply · Like

Like

 · 1 · March 13 at 7:16am



Add a Reply...




Craig Varian

Their brand is "Bell's" not "Innovation Brewing". A slogan is not a brand; it's a marketing device to draw attention to a brand. The words "Inspired" and "Innovation" do both begin with the letter "I" - but they don't mean the same thing, at all. This lawsuit is over-zealous and these people are being sued for using the alphabet. These type of lawsuits - literally in this case - stifle innovation. Bell's, I understand you want to protect your brand, but it's clearly not being threatened nor will it ever be by Innovation Brewing. You are being a bully. You are also being pretty insulting to your customer base, thinking a group of self-confessed snobs can't tell your products apart because you once had a bumpersticker.


Reply · Like

Like

 · March 12 at 5:42pm




Add a Reply...



Carol Jane Odom · The Culinary Institute of America


However this came about, Innovation would be wiser to



Settle Into Your New Home

Building Custom Is Easier Than You Think


Click Here To View Plans or Call (828) 349-0990



FOR RENT

Western Carolina Rentals

We manage rental properties!



Sections

- Contact Us

- Advertise

- Rack Locatins

- Subscription Services

- Submission Forms

- Site Index

- Add Search Toolbar

Services

- Contact Us

- Advertise

- Rack Locatins


- Subscription Services

- Submission Forms

- Site Index

- Add Search Toolbar

Contact us



The Sylva Herald

Phone number: 828-586-2611

[Staff Directory](#)

Address: 539 West Main Street

Sylva, NC 28779

Search

Search

Search in:

☒ All

☐ News

☐ Sports

☐ A&E

☐ Opinion

☐ Ruralite Cafe

☐ Photos

© Copyright 2015, The Sylva Herald, Sylva, NC. All rights reserved.

This material may not be published, broadcast, rewritten or redistributed without prior permission. [\[Terms of Use | Privacy Policy\]](#)

http://www.thesylvaherald.com/top_stories/article_e3afea54-c81f-11e4-8878-0f9412a4702b.html[3/17/2015 8:39:19 PM]

EXHIBIT D

Small Carolina brewery in big trademark dispute



Tony Kiss, tkiss@gannett.com

5:49 p.m. EDT March 11, 2015



(Photo: Katie Bailey/bkbailey@citizen-times.com)

Innovation Brewing of Sylva, North Carolina (<http://www.innovation-brewing.com/>) makes only about 500 barrels of beer a year, mostly sold near its hometown. But size doesn't matter in a tough trademark dispute with the much bigger Bell's Brewery of Galesburg, Michigan (<http://bellsbeer.com/>), which made more than 310,000 barrels last year.

Bell's has filed a federal action against Innovation over the use of its name. Bell's says its unregistered advertising slogan "bottling innovation since 1985" could lead to confusion with customers. While the slogan is used on bumper stickers, it's not present on any of the brewery's beer packaging.

Bell's also uses a slogan "inspired brewing" that's been part of the legal complaint that the company believes would be confused with Innovation Brewing's name.

"We are very disappointed," said Nicole Dexter, who founded Innovation in 2013 with her partner Chip Owen. The two came up with the Innovation name after finding creative means of assembling their brewing system.

"Innovation is what we had to do to make everything work," Owen said. "We had limited funds" and Owen assembled the system himself.

Costly legal fees are preventing Innovation from purchasing brewing equipment, Owen and Dexter said.

"We didn't see any confusion" with Bell's, Dexter said. "We were pretty confident it could be worked out." But now the brewery has retained attorneys to defend itself.

They say that Bell's "bottling innovation since 1985" slogan is not protected by a registered trademark and has not been used in conjunction with the sale of beer.

The matter slowly is unfolding in the U.S. Trademark Trials and Appeals Board in Virginia. The Innovation name was filed in 2013, but a ruling won't come before October, and maybe later, Innovation trademark attorney Ian Gates said. "It's a long process."

Bell's founder Larry Bell would not discuss the issue. "This is a federal case and we will let it play out in federal court," he said. "We are not going to play it out in social media or a newspaper." Bell's distributes its beers in 18 states, according to its website, including North and South Carolina.

The Asheville Brewers Alliance, a trade organization representing 45 Western North Carolina breweries and beer-related businesses, has lined up in support of Innovation, a statement said.

"There are many instances where craft breweries have encountered trademark issues and have chosen to work together to resolve their differences," it said. "As an Asheville Brewers Alliance member, we support Innovation Brewing and are hopeful that, in the spirit of collaboration, Bell's Brewery and Innovation Brewing will arrive at an agreement amenable to both parties."

Trademark and naming issues are becoming increasingly common among breweries, wineries and distilleries. In 2011, Bell's filed a challenge against a beer called Copper Bell, but the matter was settled and the brand was withdrawn.

New Belgium is in a federal dispute with Oasis Texas Brewing over the rights to the Slow Ride Session IPA brand name.

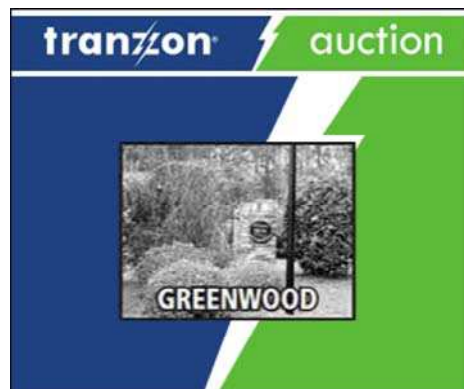
In 2013, Headwaters Brewing of Waynesville changed its name to BearWaters after a cease and desist letter from Victory Brewing, which makes Headwaters Pale Ale.

In 1995, Highland Brewing of Asheville changed its flagship beer from Celtic Ale to Gaelic Ale. Grants Brewery Pub laid claim to the Celtic Ale title. Later, Highland asked Missouri's Highlands Brewing to change its name, which it did.

"There are 3,000 craft breweries, 9,000 wineries, 1,000 distilleries and many out-of-country alcohol producers and we are all sharing one basket of names," said Innovation attorney Douglas Reiser. Defending names and trademarks is costly, with legal fees reaching into the realm of \$40,000-\$50,000.

But almost always, breweries can reach agreements on those issues, resulting in coexistence that benefits both brands. "To my knowledge, this is the first craft brewery v. craft brewery brand dispute that would go to trial," Reiser said.

Read or Share this story: <http://grnol.co/1Grzu5R>



MORE STORIES



New Fountain Inn businesses celebrate St. Patrick's Day
[\(/story/news/local/golden-strip/2015/03/18/new-fountain-inn-businesses-celebrate-st-patricks-day/24967379/\)](/story/news/local/golden-strip/2015/03/18/new-fountain-inn-businesses-celebrate-st-patricks-day/24967379/)

March 18, 2015, 1:54 p.m.

[\(/story/news/local/golden-strip/2015/03/18/new-fountain-inn-businesses-celebrate-st-patricks-day/24967379/\)](/story/news/local/golden-strip/2015/03/18/new-fountain-inn-businesses-celebrate-st-patricks-day/24967379/)

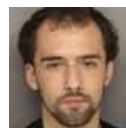


RAW: Upstate high-speed chase

[\(/videos/news/2015/03/18/24964835/\)](/videos/news/2015/03/18/24964835/)

[\(/videos/news/2015/03/18/24964835/\)](/videos/news/2015/03/18/24964835/)

March 18, 2015, 1:18 p.m.



Warrants: Driver tried to run over deputies

[\(/story/news/crime/2015/03/18/warrants-driver-tried-run-deputies/24964069/\)](/story/news/crime/2015/03/18/warrants-driver-tried-run-deputies/24964069/)

[\(/story/news/crime/2015/03/18/warrants-driver-tried-run-deputies/24964069/\)](/story/news/crime/2015/03/18/warrants-driver-tried-run-deputies/24964069/)

March 18, 2015, 1:01 p.m.

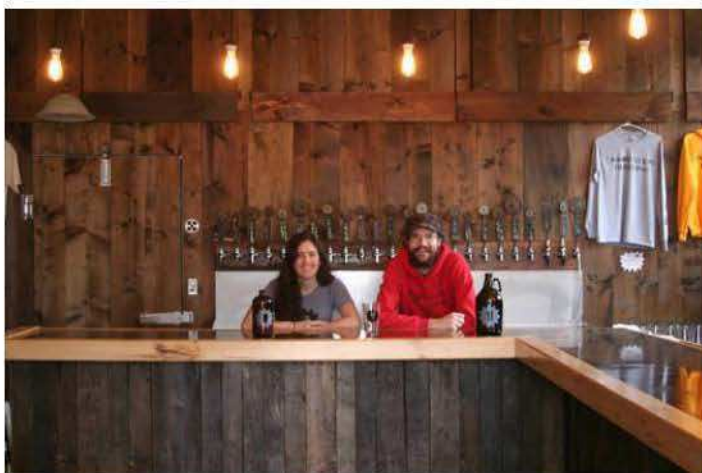


EXHIBIT E

LEISURE / FOOD & DRINK / DRINKS

Innovation Brewing hops out with creativity and success: A new week, a new beer

January 19, 2015
9:11 AM MST



You can visit Innovation Brewing in Asheville, NC.
Permission to use photo given by Innovation Brewing

The craft beer industry is filled with thousands of different types of beers. Some brewers create beer that tastes oddly like beer you've drank before at another brewery, but in Sylva, NC, there's only one place that takes serious steps into uncharted territory with its creativity, and that place is Innovation Brewing.

Changing the way people think about beer is the mantra at Innovation Brewing, but when the place first opened up, it was not with the intent of becoming a national brewery, it was with the hopes of being a "neighborhood pub." In the conversation I had with Nicole Dexter, she and the rest of the folks who helped get Innovation off of the ground simply wanted a local spot people could go to for some great beer, and beer that was different.

She is a co-owner of Innovation Brewing, which is located in Sylva, NC. Maintaining dreams, while employing humble expectations is what seems to be common in craft brewing. Dexter said there was no master plan to become the next New Belgium or top them, Innovation's goals have been modest and clear.

"We didn't open with any plans to be a production brewery or anything like that, we just saw this town had a market for a pub and really could use one. We wanted to provide that for the community, which is where we are still at today," Dexter said.

As a brewery grows, its mission can change or become something that wasn't initially put in place. For Innovation Brewing, it has been important for them to maintain the same mindset they've always had while still moving forward. Dexter says they "are constantly evolving" and one of the ways they are doing that is by generating more sour ales and barrel-aged beer.

Brewing sour beers is currently a major trend in the craft beer industry. Beer drinkers want more of them and brewers can't seem to brew enough. Innovation has done a fine job of diversifying their beer and keeping their loyal patrons happy with the variety of beer on tap.

Dexter attributed their success and strong following to the fact that they have brewed unique beer. Brewing a product that no other brewery has, helped create the "loyal fan base" Innovation currently serves. Something extremely innovative that the brewery does is they strive to have a new beer on tap every single week. That is unheard of in the craft beer industry and it's impressive how they've been able to do that.

"We pretty much put out a new beer every week and sometimes we'll release two new beers each week. We have 22 beers in house, but we're constantly pumping out a new brew. Usually it just works out when a new beer will come on and another one will kick. We'll never take [an existing beer] off just to put a new beer on, unless it's a specialty release," Dexter said.

When you take a look at the beers that are "On Tap" at Innovation Brewing, there are five different IPAs, four different stouts, two browns and a slew of other variations. The highest alcohol by volume (ABV) beer is their Bourbon Barrel Imperial Stout that checks in with a 11 percent ABV. The lowest ABV brew is their Nitro Irish Stout that is 4 percent ABV.

Dexter said they have eight beers that are always on tap, and those serve as the stable of brews for people who aren't feeling as adventurous with their beer selections. Innovation doesn't really worry about chasing away people with some of their "more creative" beer because of the eight year round ales they have. When it comes down to one beer that would serve as their flagship brew, what would it be?

"Our flagship would be our double IPA, it's our most popular beer. We are putting a fresh five-barrel batch of that on pretty much every two or three weeks. If you were an IPA drinker, I'd probably point you to that. If you're looking for something more creative, I would say go with one of our seasonal [beers]," Dexter said.

Even the brewer who tries hardest not to be driven by industry trends still can't help but be influenced by what is popular and what beer drinkers want most. When it comes down to it though, knowing what Innovation Brewing patrons want is what drives Dexter and her team. "We want to make what seems to be selling the best. We look at our customer demand and try to meet that."

Trying to meet demand is often a double-edged sword for brewers. It's great when you can never have enough beer to meet demand, but on the other hand, you don't have enough beer to meet demand. Dexter joked about not having enough space as being one of the things that's happened since they opened. Innovation Brewing may tease the idea of opening an off-site location, but that doesn't seem imminent since they are still working to leverage every foot of space they have now.

"We're in an old service station, so we took the old oil changing pits that were underground and converted them into a walk-in freezer. We've had to get really creative with our space usage, and I definitely didn't anticipate that being a major problem when we first moved in here," Dexter said.

As Innovation Brewing takes a peek into the rest of 2015, they have a number of important things in mind, one of which is the hopes of "doubling its barrel-aging cellar." Generating more sours is another bullet on the to-do list, especially since they've seen outstanding success with that type of beer already. "Our whiskey sour won a Gold Medal in the North Carolina Beer Cup. We want to jumpstart our sour program [even more]," Dexter said.

It's not easy to be different in an industry that has so much choice and variation. Succeeding takes commitment and dedication, and just by speaking with Nicole you can tell they have the determination. Craft beer is a rising industry in America and sometimes all you need is a little **Innovation**.

Sponsored Content on Examiner



Solar Powered Sustainability

By Ford Motor Company - Jan powers her C-MAX Energi and home with light from the sun. And it's easier than you may think.



Steven Ruygrok

National Craft Brewing Examiner

© 2006-2015 AXS Digital Group LLC d/b/a Examiner.com

EXHIBIT F

New Belgium Brewing Co.: Building a brewery

Written by David Young

Dec. 10, 2011

coloradoan.com



Adam Buehler, a carpenter with ADB Carpentry, attaches brackets or a glulam beam at the new canning facility expansion Monday at New Belgium Brewing Co. The Fort Collins brewery has plans on tap for a new East Coast brewery, new canning line and a new pilot brewhouse. / V. Richard Haro/The Coloradoan

» Total square footage: 180,000 square-feet

CRAFT BREWERIES

» Craft brewers are small brewers.

» The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that have no precedent.

» Craft beer is generally made with traditional ingredients like malted barley; interesting and sometimes non-traditional ingredients are often added for distinctiveness.

» Craft brewers tend to be very involved in their communities through philanthropy, product donations, volunteerism, and sponsorship of events.

» Craft brewers have distinctive, individualistic approaches to connecting with their customers.

» Craft brewers maintain integrity by what they brew and their general independence, free from a substantial interest by a non-craft brewer.

» The majority of Americans live within 10 miles of a craft brewer.

Sitting in her office on National Repeal Day, the day marking the 78th anniversary of the end of prohibition, Kim Jordan admits she is not invincible.

That may come as a sur-prise to some.

With the success of New Belgium Brewing Co., one of the nation's most successful craft breweries, Jordan has overseen an average year-over-year gain of 15 per-cent over the past decade.

At the same time she has fostered a culture of environmental, social and cultural change with innovative programs such as giving employees' bikes and donating \$4 million in grants.

With plans on tap for a new East Coast brewery, new canning line and a new pilot brewhouse on tap, Jordan is trying to find the best way to continue what she calls her "magical experiment" knowing change is inevitable.

Humble Beginnings

By now, New Belgium's genesis is almost legendary.

It started in 1991 with an estimated 60 cases a week brewed in a basement homebrewing operation.

On June 28, New Belgium celebrated two decades at 500 Linden St.

Last year it sold more than 661,000 barrels of beer. The company employs 300 workers locally and 425 throughout the country.

Jordan said when she started the brewery in 1991 with her ex-husband Jeff Lebesch they had no idea it would ever get as big as it has.

“There is no way we envisioned anything like this,” said Jordan, who would have laughed if anyone had told them at that time New Belgium would grow to what it is today.

“We didn’t have a goal for how big we wanted to be but we did have a sense of the flavor of the company that we wanted to be... At the time I do not think we knew how important that would become to the company.”

That flavor is New Belgium’s 10 core values and beliefs that all employees must adhere to. Jordan said the four core values they started with were: making good beer, promoting beer culture and the responsible enjoyment of beer, fostering social and environmental change and having fun.

Jordan said as the company has grown and evolved over the years it is a daily effort to keep the core values in mind.

Be it an internal email or a editorial in the Washington Post, Jordan said repeating the core values is key to New Belgium’s success.

Jordan never refers to her staff as employees but as co-workers. In fact 41 percent of the company is employee owned providing a vested interest for those who work there.

The unorthodox business model has worked for New Belgium, the third largest craftbrewer in the country, as it has become a trendsetter in the craft industry.

Third only to the Boston Beer Company and Sierra Nevada, Paul Gatz, Brewers Association director, said New Belgium has been an integral player and role model in the craft industry.

“They continue to grow very strongly,” he said. “It’s tough to post a huge growth percentage.”

Any successful craftbrewery reaches a point where they have to decide how they are going to manage growth, said Gatz.

“One thing I have learned is craft brewers are not all about getting bigger. A lot like the lifestyle they have created and want to keep as it is,” he said.

Going Big

For 16 years Jordan debated whether New Belgium should grow.

“We had the grow (or) no grow discussion, we still have it, but we had it 100 times in the old days,” Jordan said.

In 2000, the company pulled the trigger on the “grow” option. Jordan said the decision to expand the brewery over the years was not motivated by competition with other breweries or money rather opportunities for New Belgium employees.

“When we started to talk about opportunity it felt like that switch flipped and every-body felt like that was some-thing they could get behind,” Jordan said.

Like the company’s core values, maintaining the growth and remaining true to its craft roots is something Jordan said they have to work on daily and reevaluate.

New Belgium has grown by leaps and bounds as the brew-ery added its second brew-house in 2002 and expanded its keg line in 2010. Cellaring expansion for the company has been ongoing.

Earlier this year, New Belgium expanded its distri-bution into Maryland, Virginia and the District of Columbia, making New Belgium’s beers available in 28 states plus Washington, D.C., and it’s eyeing the East Coast for further expansion.

Gatza said he remembers a time when there were bars in Denver clamoring to get New Belgium on tap. Now there are entire states that want New Belgium to distribute to them.

That is the reason New Belgium is looking to open a second brewery. They have narrowed the list of potential cities to four. Community leaders in Asheville, N.C., and Philadelphia, Pa., leaked that New Belgium was consider-ing their communities. Jordan declined to comment on any of the cities because the selec-tion process is still under way. But she said she would like to make a decision by the end of the year.

On Wednesday, Jordan was expected to visit Asheville. She plans to visit each prospective city and meet with municipal and brewery leaders. Jordan said for the most part she has received a warm welcome from the com-munities New Belgium is considering and will bring 70 jobs to the community they select.

Oscar Wong, founder of Highland Brewing, the origi-nal and largest craft brewery in Asheville said he is con-flicted about New Belgium possibly locating in his com-munity.

Wong founded his brewery in 1994 and has watched as nine more breweries opened up shop in the community of 75,000 people. Today, Highland brews more than 20,000 barrels a year and Asheville has been named Beer City USA.

“For the first few years it was an uphill battle, but then after a while we were quite well received and the interest spawned several different breweries,” said Wong, who knows New Belgium would alter the brewing landscape. “It would change the dynamic of the area ... I think it would also enhance the area’s repu-tation as a brewing center.”

On one hand he would like to have the new jobs that New Belgium would provide the community, however he is concerned about the stiff competition it would bring.

Wong spoke with Jordan by phone recently and tried to gauge how involved she would be with the community. Wong said he suggested something along the lines of a brewing museum would go a long way with local brewers, an idea Wong said Jordan was open to.

Asheville Brewers Alliance President Tim Schaller and owner of Wedge Brewing Co. said that the brewing industry in Asheville generates 280 jobs and \$2.5 million for the community with an additional \$3.5 million in tax revenue.

Schaller said New Belgium is reported to bring upwards of 150 jobs and is expected to receive tax incentives to locate there.

If New Belgium builds in Asheville, Schaller said it's not clear what impact it might have on the community and brewing industry.

"We are sort of in love with our small town and it's our fault we are getting discovered," he said. New Belgium's growth potential is not limited to the East Coast. In Fort Collins New Belgium is installing a nearly \$8 million new canning line that will have the ability to fill 12-ounce and 16-ounce cans. There are also plans for a 10-barrel to 15-barrel pilot system brewhouse.

With the East Coast expansion, plans for a 5-acre parcel of land south of Buckingham and east of Linden Street for new offices, meeting rooms and small living quarters has been shelved for the moment. "There are certainly trade-offs between being big and small, but I would not say that one is inherently better than another. We expect children to grow and we expect trees to grow and living systems, which a community of coworkers is, also to grow. And for me, the focus is what do you grow?"

New Belgium's Future

In the past 20 years New Belgium has received numerous offers to sell. Jordan said she never seriously considered any of them.

Does that mean she would never consider selling? Jordan said she has been considering possible strategies such as private equity, initial public offering, synergistic buyers, employee share ownership plan, management buy-out or family foundation with her chief financial officer and chief operating officer Christine Perich over the past year.

"Something is going to have to happen to the company at some point. That I'm sure of.

"I'm not invincible and you would hate to see the perpetuation of the company — in this context I'm talking about really any business — be really clunky because the founder never bothered to sort of pay attention to that process would certainly be inelegant. And you know I don't want to do that to my coworkers or my kids. And so I think it is important for me to be thinking about what does company perpetuation look like and what are the possible strategies."

Jordan, 53, said she is in no hurry to choose a strategy, and it is important to explore such options while the company is doing well and does not need to move quickly.

Jordan said she knows roughly how much New Belgium is worth based on brand strength and traditional formulas, but declined to disclose that number.

More important, Jordan said she is striving to maintain the culture she has created for her co-workers at New Belgium and continue her "magical experiment."

While the long-term future of New Belgium is unclear, craft brewing appears to only be growing as Jordan anticipates the industry could double its market share.

Growth of the craft brewing industry in 2010 was 11 percent by volume and 12 percent by dollars compared to growth in 2009 of 7.2 percent by volume and 10.3 percent by dollars, according to the Brewers Association.

"I think craft brewing has a bright future," Jordan said. "I think there is every reason to be optimistic, and I think we are well-positioned for that (growth) because we are craft brewers and we have done this long enough that we have a pretty good feel for how to make wonderful, flavorful, technically excellent beers and

how to be good partners with distributors in getting beer to market.”

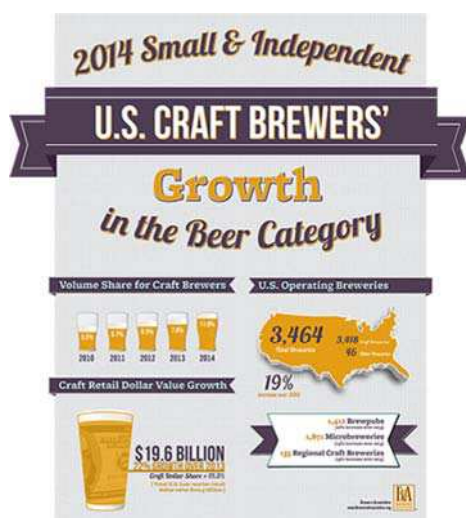
EXHIBIT G

[PRESS RELEASES](#)**CRAFT BREWER VOLUME SHARE OF U.S. BEER MARKET REACHES DOUBLE DIGITS IN 2014*****Brewers Association Reports Annual Growth Figures for Small and Independent Brewers***

Boulder, CO • March 16, 2015—The [Brewers Association](#) (BA), the trade association representing small and independent American craft brewers, today released 2014 data on U.S. craft brewing¹ growth. For the first-time ever, craft brewers reached double-digit (11 percent) volume share of the marketplace.

In 2014, craft brewers produced 22.2 million barrels, and saw an 18 percent rise in volume² and a 22 percent increase in retail dollar value³. Retail dollar value was estimated at \$19.6 billion representing 19.3 percent market share.

“With the total beer market up only 0.5 percent in 2014, craft brewers are key in keeping the overall industry innovative and growing. This steady growth shows that craft brewing is part of a profound shift in American beer culture—a shift that will help craft brewers achieve their ambitious goal of 20 percent market share by 2020,” said Bart Watson, chief economist, Brewers Association. “Small and independent brewers are deepening their connection to local beer lovers while continuing to create excitement and attract even more appreciators.”



[Download High Resolution Graphic Here](#)



[View Expanded Infographic Here](#)

Additionally, the number of operating breweries in the U.S. in 2014 grew 19 percent, totaling 3,464 breweries, with 3,418 considered craft broken down as follows: 1,871 microbreweries, 1,412 brewpubs and 135 regional craft breweries. Throughout the year, there were 615 new brewery openings and only 46 closings.

Combined with already existing and established breweries and brewpubs, craft brewers provided 115,469 jobs, an increase of almost 5,000 from the previous year.

“These small businesses are one of the bright spots in both our economy and culture. Craft brewers are serving their local communities, brewing up jobs and boosting tourism,” added Watson. “Craft brewers are creating high quality, differentiated beers; new brewers that match this standard will be welcomed in the market with open arms.”

Note: Numbers are preliminary. The Brewers Association will release the list of Top 50 craft brewing companies and overall brewing companies by volume sales on March 31. Additionally, a more extensive analysis will be released during the [Craft Brewers Conference & BrewExpo America®](#) in Portland, Oregon from April 14-17. The full 2014 industry analysis will be published in the May/June 2015 issue of [The New Brewer](#), highlighting regional trends and production by individual breweries.

¹ **An American craft brewer is small, independent and traditional. Small:** Annual production of 6 million barrels of beer or less (approximately 3 percent of U.S. annual sales). Beer production is attributed to the rules of alternating proprietorships. **Independent:** Less than 25 percent of the craft brewery is owned or controlled (or equivalent economic interest) by an alcoholic beverage industry member that is not itself a craft brewer. **Traditional:** A brewer that has a majority of its total beverage alcohol volume in beers whose flavor derives from traditional or innovative brewing ingredients and their fermentation. Flavored malt beverages (FMBs) are not considered beers.

² Volume by craft brewers represent total taxable production.

³ Figure derived from comparable data set based on 2014 update of craft brewer definition.

Contact: [Abby Berman](#) (on behalf of the Brewers Association), (646) 695-7044

###

About the Brewers Association

The Brewers Association is the not-for-profit trade association dedicated to small and independent American brewers, their beers and the community of brewing enthusiasts. The Brewers Association (BA) represents more than 70 percent of the brewing industry, and its members make more than 99 percent of the beer brewed in the U.S. The BA organizes events including the World Beer Cup® , Great American Beer Festival® , Craft Brewers Conference & BrewExpo America® , SAVOR™: An American Craft Beer & Food Experience , AHA National Homebrewers Conference , National Homebrew Competition and American Craft Beer Week® . The BA publishes The New Brewer magazine and its Brewers Publications division is the largest publisher of contemporary and relevant brewing literature for today's craft brewers and homebrewers.




Beer lovers are invited to learn more about the dynamic world of craft beer at CraftBeer.com and about homebrewing via the BA's American Homebrewers Association . Follow us on Twitter .

The Brewers Association is an equal opportunity employer and does not discriminate on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital/familial status. The BA complies with provisions of Executive Order 11246 and the rules, regulations, and relevant orders of the Secretary of Labor.

© 2015 BREWERS ASSOCIATION

EXHIBIT H

"the hallmark of craft beer and craft brewers is innovation" - Google Search

[Sign in](#)

Web

News


Shopping

Images

Maps

More ▾

Search tools



Craft Brewer - Brewers Association

www.brewersassociation.org/.../craft-brewer-defined/ ▾ Brewers Association ▾
An American craft brewer as defined by the Brewers Assoc. is small, independent and traditional. **The hallmark of craft beer and craft brewers is innovation.**

What is a Craft Brewer? - House Small Brewers Caucus

smallbrewers.defazio.house.gov/business/what-is-a-craft-brewer.html ▾
The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that have no precedent ...

Kearney Oktoberfest: 2014

www.kearneycoc.org/EventsNews/.../Kearney-Oktoberfest-2014.aspx ▾
Oct 1, 2014 - Craft Brewers are small brewers; **The hallmark of craft beer and craft brewers is innovation.** Craft Brewers interpret historic styles with unique ...

Brewery Definitions - Good Life Pubs

www.goodlifepubs.com/asheville/beer/beer-101/brewery-definitions/ ▾
The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that have no precedent ...

[PDF] WHAT IS CRAFT BEER? - Imperial Beverage

www.imperialbeverage.com/raisingthebar/.../WhatIsCraftBeer_All.pdf ▾
The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that have no precedent ...

San Antonio Cerveceros | 2014 Year in Review

www.sanantoniocerveceros.org/#!/craft-beer/c1h4h ▾
Craft brewers are small brewers. **The hallmark of craft beer and craft brewers is innovation.** Craft brewers interpret historic styles with a unique twist and develop ...

Orangeburg Distributors, Inc

www.orangeburgdistributors.com/craft.html ▾
The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that have no precedent ...

Beer - The Windber Hotel


www.thewindberhotel.com/beer.html ▾
The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that have no precedent ...

What does "craft beer" mean to you? - page 2 - The Pub ...

<https://www.homebrewersassociation.org/forum/index.php?topic=2703...> ▾
Jun 30, 2010 - 15 posts - 13 authors
The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that ...

I was recently asked about craft brewing... - Southbound ...

<https://www.facebook.com/southboundbrewingco/.../626571527356976> ▾
The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that have no precedent ...



1 2 3 4 5 6 7 8 9 10 [Next](#)

● New York, NY - From your Internet address - Use precise location - [Learn more](#)

[Help](#) [Send feedback](#) [Privacy](#) [Terms](#)

We Define the “Craft Brewer,” But Not What It Makes

kegomatic.com/.../brewers-association-we-define-the-craft-brewer-but-n... ▼

Jul 11, 2014 - It further asserts, "**The hallmark of craft beer and craft brewers is innovation...** Craft brewers interpret historic styles with unique twists and ...

Our Beers - Dos Desperados Brewery

www.dosdesperadosbrew.com/beers.htm ▼

According to the Brewers Association, **"the hallmark of craft beer and craft brewers is innovation.** Craft brewers interpret historic styles with unique twists and ...

One Hundred Thirteen Million Markets of One: How the New ...

<https://books.google.com/books?isbn=0985913401>

Chris Norton, Ross Honeywill - 2012 - Business & Economics

According to the Brewers Association: • **The hallmark of craft beer and craft brewers is innovation.** Craft brewers interpret historic styles with unique twists and ...

Local Pairing - The Blue Point Brewing Company

[bluepointbrewing.com/bpbc/.../local-pairin...](#) ▾ Blue Point Brewing Company ▾

The hallmark of craft beer and craft brewers is innovation, using traditional ingredients like malted barley and non-traditional ingredients added for ...

craft beer | Zythophile

<https://zythophile.wordpress.com/tag/craft-beer/> ▼

... than many British small brewers make in a year), while the second most important criterion is that **"The hallmark of craft beer and craft brewers is innovation."**

Craft Brewing in Oregon - Google Slides - Google Docs

<https://docs.google.com/presentation/d/.../edit> Google Docs ▾

The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that have no precedent ...

Product Offerings - Bama Budweiser of Shelby County

www.bamabud.com/index.php?id_category=4&controller=category

The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that have no precedent ...

Craft Beer: More Than What's in the Bottle - Blogs - Forward

blogs.forward.com/.../craft-beer-more-than-wh... ▼ The Jewish Daily Forward ▼

Nov 15, 2012 - **The hallmark of craft beer and craft brewers is innovation.** Craft brewers interpret historic styles with unique twists and develop new styles that ...

Craft brewers expanding tastes, vocabularies of beer drinkers

www.qconline.com/.../article_0417f5... The Dispatch / The Rock Island Argus

Nov 29, 2014 - Included among "concepts" related to that, **"the hallmark of craft beer and craft brewers is innovation.** Craft brewers interpret historic styles with ...

The Forum News CRAFTING BEER

theforumnews.com/article-permalink-402.html ▼

Oct 14, 2013 - **"The hallmark of craft beer and craft brewers is innovation,"** according to the website. "Craft brewers interpret historic styles with unique twists ...

Shock Top® Lemon Shandy

Ad www.shocktopbeer.com/ ▼

Bring On Summer with Lemon Shandy. Enjoy the Smooth Sweet Flavor Today

Mmmm. Craft Beer Is Best - Get Beer Facts

Ad www.craftbeer.com/ ▼

Find Better Beer -- The Brewers Association Knows Beer!

CraftBeer.com has 339 followers on Google+




[Become a Member](#) - [Beerology](#) - [Homebrewing 101](#) - [Find a Brewery](#)

The University of Brew

Ad pace.oregonstate.edu/beer ▼ (541) 737-4197

Launch Your Beer Startup with Oregon State University Workshop.

"the hallmark of craft beer and craft brewers is innovation" - Google Search

[Sign in](#)

[Web](#) [News](#) [Shopping](#) [Images](#) [Maps](#) [More ▾](#) [Search tools](#)

[Macro Brews, Micro Brews, and Craft Beer. | Community | Be...](#)
[www.beeradvocate.com](#) › [Forums](#) › [General](#) › [Beer Talk ▾](#) [Beer Advocate ▾](#)
Jun 28, 2012 - 21 posts - 8 authors
"The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that ...

[Beer Basics: What is Craft Beer? | Craft Beer Brigade](#)
[www.craftbeerbrigade.com](#) › [Beer Basics ▾](#)
Jan 30, 2015 - The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that ...

[Carter Craft Beer Club | The Facts](#)
[cartercraftclub.com/facts/](#)
Facts about Craft Beer. Craft brewers are small brewers. The hallmark of craft beer and craft brewers is innovation. Craft brewers develop new beer styles with ...

[Top Fermented » craft beer](#)
[www.topfermented.com/tag/craft-beer/ ▾](#)
... list of "concepts related to craft beer and craft brewers" which I have a LOT of issues with (example: "The hallmark of craft beer and craft brewers is innovation.

[Knowledge | Craft Beer Adventures](#)
[www.fr5ed.com/category/knowledge/ ▾](#)
Apr 10, 2013 - The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that ...

[\[PDF\] Southern Tier Brewing: Family-ownership of a high growth ...](#)
[www.aabri.com/manuscripts/131616.pdf ▾](#)
by CB Wittmeyer - [Related articles](#)
The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that have no precedent ...

[Saison is brewin - Mother Earth Brewing](#)
[www.motherearthbrewing.com/blog.jsp?item=552 ▾](#)
Jul 6, 2010 - The leading organization of the craft beer industry, the Brewers Association, says: "The hallmark of craft beer and craft brewers is innovation.

[Who is Paladin Brewing? | Paladin Brewing](#)
[paladinbrewing.com/about-paladin-brewing-microbrewery-youngstown-... ▾](#)
The hallmark of craft beer and craft brewers is innovation. Interpreting historic styles with unique twists and developing new styles that have no precedent.

[Craft wine and natural beer – don't forget to have fun!](#)
[palatepress.com/2013/12/wine/craft-wine-natural-beer-dont-forget-fun/ ▾](#)
Dec 12, 2013 - "The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that ...


[Innovation Is The Hallmark Of Craft Brewers 2015 | Minecraft ...](#)
[gameminecraft.us/tag/innovation-is-the-hallmark-of-craft-brewers ▾](#)
listed among what the ociation calls "concepts related to craft beer and craft brewers:"
"The hallmark of craft beer and craft brewers is innovation. Craft brewers ...


<  >
Previous 1 2 3 4 5 6 7 8 9 10 Next

● New York, NY - From your Internet address - Use precise location - [Learn more](#)


[Help](#) [Send feedback](#) [Privacy](#) [Terms](#)

"the hallmark of craft beer and craft brewers is innovation" - Google Search



[Sign in](#)

[Web](#) [News](#) [Shopping](#) [Images](#) [Maps](#) [More ▾](#) [Search tools](#)



[\[DOC\] Craft Brewing Facts.docx - FTP Directory Listing](#)
<ftp://ftp.ced.ky.gov/Download/Brewery/Craft%20Brewing%20Facts.docx> ▾
The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that have no precedent ...

[Definition Of Craft Beer | Guh Prayoga - Website blog](#)
<teguh.website/definition/definition-of-craft-beer.html> ▾
... An american craft brewer as defined by the brewers assoc. is small, independent and traditional. the hallmark of craft beer and craft brewers is innovation.

[When Does Craft Beer Become Too Big? | The Brew Review ...](#)
www.brewreviewcrew.com/craft-beer-become-big/ ▾
Apr 25, 2014 - The Brewer's Association declares that "The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with ...

[BRETZEL LOGIQ - BR I LQ PROJECT](#)
brlq.weebly.com/ ▾
"The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that have no ...

[Craft Beer In Toledo - SlideShare](#)
www.slideshare.net/GeorgeMancy/craft-beer-in-toledo ▾
Aug 22, 2013 - The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that ...

[Local craft brewery mixes innovative beer with tasty food ...](#)
www.theacorn.com/.../Local_craft_brewery_mixes_innovative_beer_wit... ▾
Jul 5, 2012 - The hallmark of craft beer and craft brewers is innovation, and at the LAB (which stands for Live Art of Brewing), experimentation is a big part of ...

[BEERS](#)
www.surfcitysandwich.com/beers.html ▾
WE WILL FEATURE A ROTATING SELECTION OF THE FINEST LOCAL HANDCRAFTED BEERS FROM SANTA CRUZ COUNTY.

[The Costco Connection - September 2013 - Page 28-29](#)
www.costcoconnection.com/connection/201309?pg=31 ▾
The Costco Connection magazine builds community among Costco members by combining information about what's new at Costco with a mix of lifestyle and ...

[The Beer Shak to expand business, drink options - News ...](#)
republicanherald.com/.../the-beer-shak-to-expand-b... ▾ Republican & Herald ▾
Nov 3, 2012 - It also states that the hallmark of craft beer and craft brewers is innovation, with craft brewers interpreting historic styles with unique twists and ...




[Why are microbreweries called microbreweries? \(brands, flav...](#)
www.city-data.com ▾ ... ▾ Food and Drink ▾ Alcoholic Beverages ▾
May 27, 2014 - 10 posts - 9 authors
The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that ...


<  >
Previous 1 2 3 4 5 6 7 8 9 10 Next

● New York, NY - From your Internet address - Use precise location - Learn more

[Help](#) [Send feedback](#) [Privacy](#) [Terms](#)

"the hallmark of craft beer and craft brewers is innovation" - Google Search

[Sign in](#)

[Web](#) [News](#) [Shopping](#) [Images](#) [Maps](#) [More ▾](#) [Search tools](#)

[craft beer - Inbox.com](#)
[www.inbox.com/pages/TB80135TE31/craft+beer.html?rlh=1 ▾](#)
An American craft brewer as defined by the Brewers Assoc. is small, independent and traditional. **The hallmark of craft beer and craft brewers is innovation.**

[The state of Craft Beer in Ireland in the summer of 2014](#)
[www.elspethpayne.com ▸ Beauty In Beer ▸ Recipes ▸ Beer ▾](#)
Jul 16, 2014 - **The hallmark of craft beer and craft brewers is innovation.** Craft brewers interpret historic styles with unique twists and develop new styles that ...

[Spotlight: Blue Moon Brewing Company | Cityview](#)
[www.dmcityview.com/whats.../spotlight-blue-moon-brewing-company/ ▾](#)
Jan 21, 2015 - The Brewer's Association website says "**the hallmark of craft beer and craft brewers is innovation.**" Parings whats brewing recipe170. Because ...

[Micro Brewery - Best-Location.Biz](#)
[www.best-location.biz/micro_brewery.htm ▾](#)
The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that have no precedent ...

[Brewers Association Promoting Independent Craft Brewers](#)
[snowboardtrick.tk/Brewers-Association-Promoting-Independent-Craft-Brew... ▾](#)
An American craft brewer as defined by the Brewers Assoc. is small, independent and traditional. **The hallmark of craft beer and craft brewers is innovation.**

[Craft Beer | AZ Oat Soda](#)
[www.azoatsoda.com/category/craft-beer/ ▾](#)
Jan 13, 2015 - **The hallmark of craft beer and craft brewers is innovation.** Craft brewers interpret historic styles with unique twists and develop new styles that ...

[Goeler: Blue Point Purchase Shows A-B InBev's Interest in ...](#)
[www.brewbound.com/.../goeler-blue-point-purchase-shows-a-b-inbevs-l... ▾](#)
Feb 5, 2014 - **The hallmark of craft beer and craft brewers is innovation.** Craft brewers interpret historic styles with unique twists and develop new styles that ...

[TwoGuysAle.com](#)
[www.twoguysale.com/ ▾](#)
•Craft brewers are small brewers. •**The hallmark of craft beer and craft brewers is innovation.** Craft brewers interpret historic styles with unique twists and develop ...

[Northwest Arkansas Microbreweries A Growing Industry ...](#)
[www.nwaonline.com/.../northwest-arkansas-microbreweries-... ▾ NWAOnline ▾](#)
Jul 28, 2014 - **The hallmark of craft beer and craft brewers is innovation.** Craft brewers interpret historic styles with unique twists and develop new styles that ...

[Beer dinner slated for The Hollow - Table Hopping - Blogs](#)
[blog.timesunion.com/.../beer-dinner-slated-for-the-hollow/ ▾ Times Union ▾](#)
May 13, 2014 - **The hallmark of craft beer and craft brewers is innovation.** Craft brewers interpret historic styles with unique twists and develop new styles that ...

EXHIBIT I

STATISTICS**CRAFT BREWER DEFINED**

An American craft brewer is small, independent and traditional.

Small

Annual production of 6 million barrels of beer or less (approximately 3 percent of U.S. annual sales). Beer production is attributed to the rules of alternating proprietorships.

Independent

Less than 25 percent of the craft brewery is owned or controlled (or equivalent economic interest) by an alcoholic beverage industry member that is not itself a craft brewer.

Traditional

A brewer that has a majority of its total beverage alcohol volume in beers whose flavor derives from traditional or innovative brewing ingredients and their fermentation. Flavored malt beverages (FMBs) are not considered beers.

The following are some concepts related to craft beer and craft brewers:

- Craft brewers are small brewers.
- The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that have no precedent.
- Craft beer is generally made with traditional ingredients like malted barley; interesting and sometimes non-traditional ingredients are often added for distinctiveness.
- Craft brewers tend to be very involved in their communities through philanthropy, product donations, volunteerism and sponsorship of events.
- Craft brewers have distinctive, individualistic approaches to connecting with their customers.
- Craft brewers maintain integrity by what they brew and their general independence, free from a substantial interest by a non-craft brewer.
- The majority of Americans live within 10 miles of a craft brewer.

Find out more about craft brewers on our website CraftBeer.com .





6520 Mahoning Ave. Austintown Ohio 44515

[Home](#)[About](#)[Brews](#)[Tasting Lounge](#)[Visit Us](#)[Paladin Blog](#)

About The Owner

My name is John Chandler, my wife (Abby, who owns [CWC Productions](#)) and I have lived in the Youngstown area our entire lives. We have 4 wonderful children. I have been brought up to be a very family oriented person with a large extended family, many of whom still live locally. Born and raised in the Youngstown, Ohio area, I have pride in where I live and the surrounding communities and am excited to create my own business which would allow me to give something back to the area.

I started brewing beer at home in 2008 when I was given a "Mr. Beer" kit as a gift from my in-laws. The selection of beers in our area left me looking for something more and making my own allowed me to experience a much wider flavor base. A trip to Colorado in 2010 sparked the dream of opening a craft brewery in our area. A lot of time has passed since the idea of becoming a brewery owner was first planted. We spent months choosing a name and almost a year finding the perfect location. Now we own a building and are fully funded! The dream is becoming a reality!

About Craft Beer

The hallmark of craft beer and craft brewers is innovation. Interpreting historic styles with unique twists and developing new styles that have no precedent. Craft beer is generally made with traditional ingredients like malted barley, however sometimes non-traditional ingredients are added for distinctiveness. Craft brewers have a distinctive, individualistic approach to connecting with their customers and maintain their integrity by what they brew and their general independence.

The Paladin Brewing

Keep up to date on ever activities surrounding Paladin

Latest Posts

[Progress on our Brewery!](#)

- Nov 28, 2014



Your First Name:

Your Last Name:

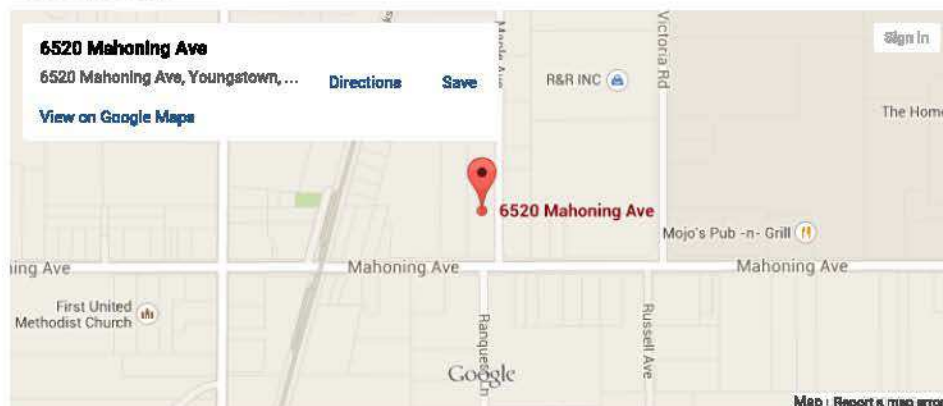
Your Email:

Subscribe

Quick Links

[Home](#)[About](#)[Brews](#)[Tasting Lounge](#)[Visit Us](#)[Paladin Blog](#)

Our Location



We're Social

[f](#) facebook[g+](#) Google[t](#) twitter

Air Line Brewing Company

Keep Calm & Get Lifted

Craft Beer

We @ Air Lines Brewing Co. constantly strive to produce artisanal beers consistent with the highest standards. Our focus is on hand crafting beer that brings people of all types together through the enjoyment of a pint. From those new to the craft beer world who are just testing the waters, to the salty old timers who drove around the Alps in a VW Microbus with a case of Budvar on the passenger seat.

Simply put “craft beer” is just that, beer crafted for your enjoyment. Not “produced” in a factory for mass consumption.

The [Brewers Association](#) defines craft beer using the following criteria:

An American craft brewer is small, independent and traditional.

Small: Annual production of 6 million barrels of beer or less (approximately 3 percent of U.S. annual sales). Beer production is attributed to the rules of alternating proprietorships.

Independent: Less than 25 percent of the craft brewery is owned or controlled (or equivalent economic interest) by a beverage alcohol industry member that is not itself a craft brewer.

Traditional: A brewer that has a majority of its total beverage alcohol volume in beers whose flavor derives from traditional or innovative brewing ingredients and their fermentation.

Flavored malt beverages (FMBs) are not considered beers.

The following are some concepts related to craft beer and craft brewers:

Craft brewers are small brewers. The hallmark of craft beer and craft brewers is innovation.

Craft brewers interpret historic styles with unique twists and develop new styles that have no

precedent. Craft beer is generally made with traditional ingredients like malted barley; interesting and sometimes non-traditional ingredients are often added for distinctiveness. Craft brewers tend to be very involved in their communities through philanthropy, product donations, volunteerism, and sponsorship of events. Craft brewers have distinctive, individualistic approaches to connecting with their customers. Craft brewers maintain integrity by what they brew and their general independence, free from a substantial interest by a non-craft brewer. The majority of Americans live within 10 miles of a craft brewer.

GIVE SOME LOVE:

LIKE THIS:

Be the first to like this.



AZ Oat Soda

Commentary and thoughts about all things Beer

CATEGORY ARCHIVES: CRAFT BEER

These are thoughts or comments on Craft Beer

Craft Brewer Defined

An American craft brewer is small, independent and traditional.





Small

Annual production of 6 million barrels of beer or less (approximately 3 percent of U.S. annual sales). Beer production is attributed to the rules of alternating proprietorships.

Independent

Less than 25 percent of the craft brewery is owned or controlled (or equivalent economic interest) by an alcoholic beverage industry member that is not itself a craft brewer.

Traditional

A brewer that has a majority of its total beverage alcohol volume in beers whose flavor derives from traditional or innovative brewing ingredients and their fermentation. Flavored malt beverages (FMBs) are not considered beers.

The following are some concepts related to craft beer and craft brewers:

- Craft brewers are small brewers.
- The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that have no precedent.
- Craft beer is generally made with traditional ingredients like malted barley; interesting and sometimes non-traditional ingredients are often added for distinctiveness.
- Craft brewers tend to be very involved in their communities through philanthropy, product donations, volunteerism and sponsorship of events.
- Craft brewers have distinctive, individualistic approaches to connecting with their customers.
- Craft brewers maintain integrity by what they brew and their general independence, free from a substantial interest by a non-craft brewer.
- The majority of Americans live within 10 miles of a craft brewer.

This entry was posted in Craft Beer on January 13, 2015 [<http://www.azoatsoda.com/craft-brewer-defined/>] .

[Forward.com](http://forward.com)



Diwan Saz

Multicultural ensemble from Israel

Sunday, March 22 • 7:00PM • B'nai Jeshurun • 257 W. 88th St.

ONLY NEW YORK APPEARANCE

[Buy Tickets](#)



the jew & the carrot

jews, food &
contemporary issues

a Forward & Hazon partnership ✨

[Previous](#)

[Behind the Scenes of 'Oma and Bella'](#)

[Next](#)

[Dispatches From Kosherfest 2012](#)

November 15, 2012, 9:17am

Craft Beer: More Than What's in the Bottle

By Rabbi Baruch Rock

Craft beer brewing is an art. The craft brewer is self-mandated to blend the complex flavors from water, malts, hops and yeasts into a harmony of delight. There is also a creed of the craft brewer as described by the [Brewer's Association](#):

- The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that have no precedent.
- Craft beer is generally made with traditional ingredients like malted barley; interesting and sometimes non-traditional ingredients are often added for distinctiveness.
- Craft brewers tend to be very involved in their communities through philanthropy, product donations, volunteerism, and sponsorship of events.
- Craft brewers have distinctive, individualistic approaches to connecting with their customers.
- Craft brewers maintain integrity by what they brew and their general independence, free from a substantial interest by a non-craft brewer.

Technically, a craft brewery produces no more than 475,000 gallons of beer per year (I am using craft brewery and microbrewery interchangeably, an obvious generality that glosses over the complexities of the industry, but sufficient for this posting). Culturally, these small scale breweries forsake size to allow for greater care and attention to be paid to the quality of ingredients and the nuances of the brewing process. What speaks to me most from the creed is the commitment to integrity and relationship: relationship with the ingredients, history, individualism, community and innovation.

Never thought of beer in this way before? You are not alone. When I made Aliyah in 2002, the craft beer industry in Israel was well ... non-existent. Even homebrewing equipment was nearly impossible to find. It was several years later in 2006 that Dancing Camel appeared not on the scene, but to create the scene. By now, there are 20+ registered microbreweries in Israel. But do not mistake quantity for quality...or craftsmanship. This past summer on a return to trip to Israel, I made it a point to try as many Israeli craft

beers as I could find, albeit from the bottle (draft beers are in a different league, unfortunately the dynamics of the visit didn't allow for that kind of luxury). Besides, if a brewery has the courage to put their product in a bottle, then that should be proof enough that they have something worth tasting. While on the whole the experience was a delight and some tasty brews were discovered, there is certainly room for improvement. The sum of it, craft brewing is form of art, craft brewing in a bottle ... a fine art that few, at least in Israel (or more aptly, from the beers tasted), have mastered.

Throughout the course of two beer tastings my friends and I sampled six different breweries and 18 different beers. The list of breweries and beers included the following:

NEGEV BREWERY - AMBER ALE
 NEGEV BREWERY - PORTER
 CANAAN BREWERY - PALE ALE
 CANAAN BREWERY - CARAWAY
 CANAAN BREWERY - WHEAT
 EMEK HAELAH - BEVARIAN WHEAT
 EMEK HAELAH - BLONDE
 EMEK HAELAH - IRISH RED ALE
 JEM'S WHEAT, JEM'S AMBER ALE
 JEM'S DARK LAGER, JEM'S STOUT
 JEM'S 8-8, ISRA-ALE BLONDE
 BIRA BRABUA - PILSNER
 BIRA BRABUA - RED ALE
 BIRA BRABUA - BOCK
 BIRA BRABUA - AMBER

Other beers sampled but not included in the beer tastings were various styles from PAVO BREWERY in Zichron Yaakov, as well as various styles from the GOLAN HEIGHTS BREWERY.

Each beer evaluation considered the following six aspects (as expanded upon in the publication "How to Hold a Tasting at Home" by The Brewer's Association): 1. Appearance — color, head and carbonation; 2. Aroma; 3. Taste; 4. Mouthfeel or Texture; 5. Overall impression; 6. Beer Whispering.

This last category is my favorite. The beer whisper is essentially what you, your totally subjective self, have to say about the beer. What is its story? What does the beer remind you of? You will see in the evaluations (what I like to call developmental criticism) that a beer may whisper some unusual things. In this case the beer tastings were much more a celebration than an attempt at critique. My love for Israel, craftbeer, comraderie and plain old fun is what I was going for in these tastings. I hope that you will have the opportunity to hold a beer tasting of your own, in a rebuilt Jerusalem, speedily in our days.

In this first post, I share the write ups for two of the six breweries and their respective beers. A disclaimer, this is a completely subjective evaluation. Coming up in the posts to follow, more evaluations and the stories behind the breweries/brewers themselves. L'Chaim!

Rabbi Baruch Rock, born and raised in NY, first learned of craft brewing while serving in the Student Conservation Corps in the Bitterroot Wilderness of Idaho at the age of 16. Since then, Baruch has been an avid homebrewer both in the US and for the ten years he lived in Israel. Baruch Rock now resides in Fairfax, Virginia, where he gladly sips his favorite craft beers from across the country to those close to home.

[Share On Facebook](#) [Twitter](#)
 Your membership makes this kind of reporting possible.
[Join The Forward by donating now.](#)

Permalink | | [Share](#) | [Email](#) | [Print](#) | Filed under: *home brew, Israel, Craft Beer*

[Back to Jew and the Carrot](#)

Copyright © 2015, The Forward Association, Inc. All rights reserved.

CATEGORY ARCHIVES: KNOWLEDGE

Craft Beer Defined

Posted on [April 10, 2013](#)



This is reprinted from brewersassociation.org and helps clarify what is meant by the term Craft Beer.

An American craft brewer is small, independent and traditional.

Small: Annual production of 6 million barrels of beer or less. Beer production is attributed to a brewer according to the rules of alternating proprietorships. Flavored malt beverages are not considered beer for purposes of this definition.

Independent: Less than 25% of the craft brewery is owned or controlled (or equivalent economic interest) by an alcoholic beverage industry member who is not themselves a craft brewer.

Traditional: A brewer who has either an all malt flagship (the beer which represents the greatest volume among that brewer's brands) or has at least 50% of its volume in either all malt beers or in beers which use adjuncts to enhance rather than lighten flavor.

The following are some concepts related to craft beer and craft brewers:

- **Craft brewers are small brewers.**
- **The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that have no precedent.**
- Craft beer is generally made with traditional ingredients like malted barley; interesting and sometimes non-traditional ingredients are often added for distinctiveness.
- Craft brewers tend to be very involved in their communities through philanthropy, product donations, volunteerism, and sponsorship of events.
- Craft brewers have distinctive, individualistic approaches to connecting with their customers.
- Craft brewers maintain integrity by what they brew and their general independence, free from a substantial interest by a non-craft brewer.
- The majority of Americans live within 10 miles of a craft brewer.

From: <http://www.brewersassociation.org/pages/business-tools/craft-brewing-statistics/craft-brewer-define>

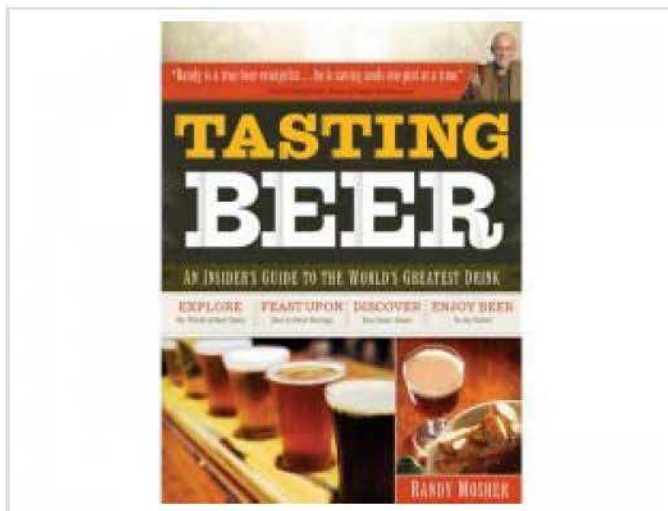
Share this:

Share

Posted in [Craft Beer](#), [Knowledge](#)

Great Book to read – Tasting Beer

Posted on [January 20, 2013](#)



After talking with 3 Certified Cicerones at a craft beer tasting this past week, I am reading a recommended book that is quite informative and captivating. Here are two excerpts from "Tasting Beer" by Randy Mosher that will whet your appetite 😊

- [Beer Color](#)
- [Hop Bitterness](#)

Share this:

Share

Posted in [Craft Beer](#), [Knowledge](#)

Ale Houses – more fun history

Posted on [September 4, 2012](#)

The first licensing of ale houses dates from the reign of Edward VI, who brought in two Acts in 1552 and 1553. The legislation strictly delineated the role of three public drinking places: an ale house could sell beer only; a tavern was required to offer food, wine, and other liquors as well as ale; while an inn had to supply food, drink, and accommodation. The Act of 1552 gave justices of the peace the power to license or close ale houses. The licensees had to provide surety for good behavior and the prevention of drunkenness on their premises. A census of drinking premises in 1577 showed there were some 14,000 ale houses, 1,631 inns, and 329 taverns in England. The population of the country was estimated at 3.7 million, which meant there was one license for every 187 people, compared to a license for every 657 people today. The counties of England with the greatest number of ale houses in the 16th century were Yorkshire (3,679) and Nottinghamshire (1,023). Throughout the country, there were 9 ale houses to every inn and 40 to every tavern, an indication that the English preferred the simple pleasures of drinking beer without the trimmings.

Share this:Posted in [Craft Beer](#), [History](#)

Fun historical note re: taxes

Posted on [September 4, 2012](#)

Brewing and retailing of beer have for centuries attracted the attention of tax gatherers. In the 13th century in England a tax known as a “scot” was levied on beer sold in ale houses, using the familiar argument that the tax was needed to combat drunkenness. The tax applied only to ale houses in urban areas or those that stood on open, cultivated land. As most of England was covered by thick forests at the time, it was not difficult to set up rudimentary alehouses that were beyond the reach of the tax man. With wry humor, the beer sold in these illicit ale houses was known as “scot ale,” while customers were said to drink “scot free.” (The word “scot” is of Germanic origin and has no connection with Scotland.)

Share this:

Share

Posted in [Craft Beer](#), [Knowledge](#)

Serving Temperature

Posted on [April 1, 2012](#)

So you think all beer should be served / consumed at almost freezing temperatures? Think again 😊 Yes, lagers / pilsners are geared more toward those frosty temperatures, but the big “macrobrewers” in the USA want you to drink their schlock as cold as possible to numb

your taste buds. Really.

Take a peek at these articles to find out which beers and ales taste best at which temperatures. For example, tonight I had a Tocobaga Red Ale from Cigar City Brewing (a favorite) and let the bottle sit out for several minutes before pouring. It was far more flavorful when it reached 50 degrees or so.

- [Rate Beer](#)
- [Craft Beer](#)
- [Real Beer](#)
- [Best Craft Beer](#)

Share this:

Share

Posted in [Knowledge](#) | [Leave a reply](#)

This site is protected by [Comment SPAM Wiper](#).

0095967

☺

The Acorn

Serving Agoura Hills, Calabasas, Oak Park and Westlake Village

 Search

[Browse Archives](#)

(<https://ad.doubleclick.net/ddm/clk/288627624;115574109;n>)



Amazing versatility with
Intel Inside®

Powered by Intel® Core M Processor



YOGA 3 PRO

(<http://discover.lenovo.com/intel/>)

SEE THE REVIEWS (<http://discover.lenovo.com/intel/>)



"The
and s

2012-07-05 / On the Town

Local craft brewery mixes innovative beer with tasty food

RESTAURANT REVIEW

By John Loesing

newstlp@theacorn.com



The LAB Brewing Co.

Craft breweries are one of the fastest growing segments of the U.S. alcoholic beverage industry. Locally, several microbreweries have set up shop recently and are taking advantage of the community's thirst for new and unique beers.

At the LAB Brewing Company in **Agoura Hills**, almost a third of the more than 30 beers on tap are mixed and mashed on site by brewmaster Roger Bott, a 34-year-old resident of **Camarillo** who's nurtured his passion for beer since (don't tell anybody) he was a teenager.

Where's the story?



5 Points Mentioned

JUST RIGHT—LAB brewmaster Roger Bott waits while hops and grains percolate. Almost a third of the restaurant's more than 30 beers on tap are mixed and mashed on site. JOHN LOESING/Acorn Newspapers

Tired of corporate life—he was an employee at Amgen in **Thousand Oaks** for 14 years before deciding big brew is better than big pharma—Bott decided to hop to it and get into the beer

crafting business himself.

In 2011, Bott partnered with Bentley Richards, Rod Hecker and Moez Megji and opened the LAB at Megji's former Moz Buddha Lounge on Agoura Road.

Business is booming.

"We're in a perpetual state of happy hour here," says Bott, who enjoys the enviable task of sampling his own product before it reaches the tap.

The hallmark of craft beer and craft brewers is innovation, and at the LAB (which stands for Live Art of Brewing), experimentation is a big part of the recipe. From the LAB's three giant copper-clad beer tanks come a host of home-grown batches such as "Honey I'm Home" (honey blonde brew); "No Place Like Gnome" (Belgian pale ale); "Big Ass Red" (West Coast amber ale); "Take Her Home" (Belgian Tripel), which packs a punch at 10.6 percent alcohol by volume; and, last but not least, the "After Midnight Moo," a sweet stout with oatmeal and milk sugar that provides a nice smoothness and makes for a perfect late night brew.

"We're trying to keep things new and inventive," Bott says.

Importantly, the beer never travels more than 40 feet before it reaches the glass. "Talk about local," Bott says.

"I've been talking and actively pursuing this for a long time, and when actually I started making the beer I thought, 'This came out pretty good.'"

The U.S. craft brewer retail business reached an estimated \$8.7 billion in 2011, up from \$7.6 billion in 2010, the Brewers Association says. Almost 2,000 total breweries operated for some or all of 2011, the highest total since the 1880s, according to the association.

Surprisingly, Bott doesn't shun, but embraces the new crop of local breweries—his competitors. Besides the LAB and Ladyface Ale Companie in Agoura Hills, there's Wolf Creek Restaurant and Brewing Company in Calabasas competing for the local dollar.

So beer is back, not that it ever went anywhere. Today, however, it is the small crafter like Bott who is making inroads. Like Bott, customers are awash in excitement over the new golden age of beer.

"Beer has reached that same point where people are appreciating a well-crafted product, just like with wine," he said.

As with wine, the beer-food pairings are important. We call it polished pub fare.

Offerings from Megji—the restaurant's co-owner and executive chef—include a to-die-for mussel dish with lemon grass and Thai coconut sauce; a summer peach pizza with caramelized onion, toasted walnuts and local organic honey finish; and the restaurant's trademark LAB burger made with house ground Wagyu Kobe and sirloin beef, arugula, bacon, and blue and Gruyere cheeses.

The menu is divided whimsically into "Petri Dishes" (appetizers), "Leaves and Shoots" (salads), "Botanicals" (veggies), "Sphericals" (burgers and pizzas) and "Solids" (meats and pastas).

New this summer is LAB's "Ludicrous Lunch Spectacular," in which the customer can choose any \$10 item—the spicy Pasilla chili and portabello mushroom tacos dish is a favorite—and add fries, soup, salad, ice tea or house brew for only \$1 each. Sit outside and enjoy the Santa Monica Mountains scenery while you eat.

Oh, by the way, it's not all about the beer and food. There's live entertainment Thursday through Saturday. The fun has just begun.

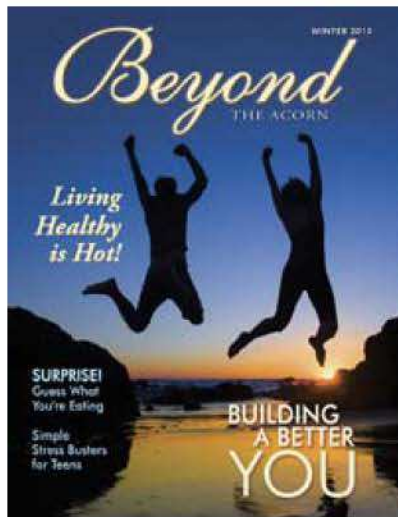
The LAB Brewing Company is in the Town Center Shopping Center, 30105 Agoura Road, Agoura Hills. The phone number is (818) 735-0091.

'We're trying to keep things new and innovative.'

— Roger Bott

[Return to top](#)

[+](#) Share / Save [f](#) [t](#) [g+](#) [d](#)



(https://ad.doubleclick

(http://discover.lenovo



(http://www.cnet.com

Lenovo Yoga 3 Photo Gal
(http://www.cnet.com/pic
yoga-3-14inch-product-pl



YOGA 3 PRO

Moves with you.

Works for you.

Adapts to you



(http://discover.lenovo.com/micr

SEE THE REVIEWS

Copyright © 2000-2015 J.Bee NP Publishing, Ltd., All Rights Reserved.

 Our Hometown

Newspaper web site content management software and services

DMCA Notices

Blog

Saison is brewin'

Posted Jul 06, 2010 | Comments ([0 Comments](#)) | Filed in:

[Our Location](#)
[Blog](#)
[Gallery](#)
[Brewfinder](#)
[Contact](#)


What we've been up to...

The last week or two have been totally crazy- so I thought I'd update you on some happenings.

SAISON: Last week, I told you all about Saison- an interesting style of beer that isn't often heard of (if you missed it, [read-all-about-it](#)) We said we'd do it, and we did. Even though we had beers to brew, bottles to fill, and 4 tanks to position in place, we managed to brew a 1 Bbl batch of Saison late last week. **The leading organization of the craft beer industry, the Brewers Association, says: "The hallmark of craft beer and craft**

brewers is innovation. Craft brewers strive to interpret historic beer styles with unique twists and develop new styles that have no precedent" We could not agree more, and that's what our 1 Bbl system is all about.

MOTHER EARTH BREWING STORE ON-LINE: We also launched our on-line [store](#)! You'll find all kinds of Ts, glasses, stickers, and even a frisbee and beach towel! (And that's just the start!) We've been working hard to choose only 1st rate materials for our products... organics and recycled... every effort has been made to select items that are as 'green' as it gets.

OUR HOP PROJECT: Last year we initiated our "Hop Project" by planting 25 hop rhizomes right here in Kinston. It is just the start, but let me tell you, we are all stunned at how well the hops have done- the growth is unreal. So we'll do a 1 Bbl and dry hop it with <LOCAL HOPS> ... keep posted.

MEDALS: Last, but Certainly not Least, we won 3 medals at the US Beer Championships! Here are all the [details](#). A GOLD for Endless River Kolsch, a GOLD for Dark Cloud Dunkel, and a BRONZE for Sisters of the Moon IPA. We are really proud of this, and we are especially excited to draw attention to Eastern NC-- let the whole world know we make excellent beer, right here in Kinston!

Hope everyone had an outstanding 4th of July, and as always, thank you for your never-ending support of Mother Earth Brewing.

PS:: Check out the [Brewfinder](#) for dozens of new places you can experience Mother Earth beer, or take it home with ya.

Peace, Love and Beer.....TM

0 Comments

Share

Sort by Best



Start the discussion...

Be the first to comment.

[Return to Blog](#)

Take a look through the photos of our many brewing adventures.

If you're ever in Kinston, NC, stop in and visit a spell.

Learn more about our commitment to sustainability and the world around us.

252-208-BIER (2437) | [Email](#) | 311 N. Heritage St., Kinston, NC 28501 [Map](#)
Copyright © 2009. All Rights Reserved. Mother Earth Brewing LLC.

[Our Location](#) | [Contact Us](#)

[Expand](#)
[nextprevious](#)
[Close](#)
[Previous](#)
[0/0](#)
[Next](#)

[Home](#)[Events](#)[Contact](#)[Links](#)[Craft Beers](#)[Products](#)

An American craft brewer is small, independent and traditional.

The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that have no precedent.

Craft beer is generally made with traditional ingredients like malted barley; interesting and sometimes non-traditional ingredients are often added for distinctiveness. Craft Brewers maintain integrity by what they brew and their general independence, free from a substantial interest by a non-craft brewer.

This is a great time to be a beer lover and to discover the wide variety of flavors available on the market today. ODI takes great pride in bringing you an incredible selection of unique craft beers.

[Check ODI's Featured Craft Beer](#)

[View A List of ODI's Craft Beers](#)

Orangeburg Distributors Inc. • 685 Sprinkle Avenue • PO Box 370 • Orangeburg, SC 29116-0370 t. 803.534.8435 • f. 803.531.4070

- - HOME
(<http://brewing.brewbususa.com/>)
 - Landing
Page
(<http://www.brewbususa.com>)
 - Brew
Bus
Brewing
(<http://brewing.brewbususa.com>)
 - Brew
Bus
Tampa
Bay
(<http://tampa.brewbususa.com>)
 - Brew
Bus
South
Florida
(<http://southfl.brewbususa.com>)
 - OUR STORY (<http://brewing.brewbususa.com/our-story/>)
 - THE CRAFT OF BEER (<http://brewing.brewbususa.com/the-craft-of-beer/>)
 - - OUR BEERS
(<http://brewing.brewbususa.com>)
 - Rollin
Dirty
Irish
Red Ale
(<http://brewing.brewbususa.com/our-beers-2/rollin-dirty-irish-red-ale/>)
 - Last
Stop
IPA
(<http://brewing.brewbususa.com/our-beers-2/last-stop-ipa/>)
 - Are
Wheat
There
Yet?
Hoppy
Wheat
(<http://brewing.brewbususa.com/our-beers-2/are-wheat-there-yet/>)
 - You're
My Boy,
Blue
(<http://brewing.brewbususa.com/our-beers-2/youre-my-boy-blue/>)
 - Double
Decker
English
Style
Porter
(<http://brewing.brewbususa.com/double-decker/>)
 - SHOP (<http://brewing.brewbususa.com/shop/>)
 - CONTACT US (<http://brewing.brewbususa.com/contact-us-2/>)





call:
813-990-7310 (tel:8139907310)

The Craft of Beer



(<http://brewing.brewbususa.com/wp-content/uploads/2014/01/craft-beer-infographic.png>)An

American craft brewer is small, independent and traditional.

Small: Annual production of 6 million barrels of beer or less. Beer production is attributed to a brewer according to the rules of alternating proprietorships. Flavored malt beverages are not considered beer for purposes of this definition.

Independent: Less than 25% of the craft brewery is owned or controlled (or equivalent economic interest) by an alcoholic beverage industry member who is not themselves a craft brewer.

Traditional: A brewer who has either an all malt flagship (the beer which represents the greatest volume among that brewers brands) or has at least 50% of its volume in either all malt beers or in beers which use adjuncts to enhance rather than lighten flavor.

The following are some concepts related to craft beer and craft brewers:

- Craft brewers are small brewers.
- The hallmark of craft beer and craft brewers is innovation. Craft brewers interpret historic styles with unique twists and develop new styles that have no precedent.
- Craft beer is generally made with traditional ingredients like malted barley; interesting and sometimes non-traditional ingredients are often added for distinctiveness.
- Craft brewers tend to be very involved in their communities through philanthropy, product donations, volunteerism, and sponsorship of events.
- Craft brewers have distinctive, individualistic approaches to connecting with their customers.
- Craft brewers maintain integrity by what they brew and their general independence, free from a substantial interest by a non-craft brewer.
- The majority of Americans live within 10 miles of a craft brewer.

No products in the cart.

CONNECT:



(<https://www.facebook.com/TampaBayBrewBus>)



(<http://www.ratebeer.com/brewers/brew-bus-brewing/14920/>)



(<http://twitter.com/brewbususa>)



(<http://www.beeradvocate.com/beer/profile/33160/>)

CONTACT US:

EXHIBIT J

REDACTED:

CONFIDENTIAL TESTIMONY

EXHIBIT K

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark
Application Serial No. 85/929,587

BELL'S BREWERY, INC.

Opposer,

v.

INNOVATION BREWING

Applicant.

Opposition No. [91215896](#)

FIRST AMENDED NOTICE OF OPPOSITION

COUNT I

BELL'S BREWERY, INC. ("Opposer"), a Michigan Corporation, located at 8938 Krum Avenue, Galesburg, Michigan 49053, believes that it will be damaged by registration of the mark INNOVATION BREWING, which is the subject of Application Serial No. 85/929,587, filed by INNOVATION BREWING, a North Carolina Limited Liability Company, identifying the goods "beer", in International Class 32 ("Application"), published in the Official Gazette on 15 October 2013, and hereby opposes the same. Opposer timely extended time to oppose on 25 October 2013 and 12 February 2014.

As grounds for opposition, it is alleged that:

1. By the Application herein opposed, Applicant seeks to register the mark INNOVATION BREWING for “beer”, in International Class 32. The Application was filed on 12 May 2013 under an intent-to-use basis pursuant to 15 U.S.C. §1051(b).
2. Opposer owns the entire right, title and interest in and to the trademark INSPIRED BREWING as evidenced by U.S. Registration No. 3,122,464 issued on the Principal Register of the U.S. Patent and Trademark Office on 01 August 2006 for use in association with “beer, porter, ale, stout and malt liquor”, in International Class 32. The Registration provides that INSPIRED BREWING was first used in commerce in 2003. The Registration is valid and subsisting, unrevoked and uncanceled. Further, U.S. Registration No. 3,122,464 is incontestable pursuant to 15 U.S.C. §1065. An extract from the Trademark Status & Document Retrieval (TSDR) of the U.S. Patent and Trademark Office showing the current status and particulars of Opposer's Registration is attached hereto as Exhibit A and is made of record in this proceeding.
3. Opposer owns the entire right, title and interest in and to the trademark INSPIRED BREWING as evidenced by U.S. Registration No. 4,098,319 issued on the Principal Register of the U.S. Patent and Trademark Office on 14 February 2012 for use in association with "Paper goods, namely, posters, stickers, bumper stickers, paper coasters; paper materials and printed matter, namely, posters, stickers, bumper stickers, paper coasters, in International Class 16; Messenger bags; handbags; purses; wallets; umbrellas; patio umbrellas, in International Class 18; Beverage glassware; bottle opener; reusable stainless steel water bottles sold empty; reusable plastic water bottles sold empty; insulating sleeve holders for beverage bottles; plastic coasters, in International Class 21; Beach towels; towels, International Class 24;

Clothing, namely, shirts, t-shirts, sweatshirts, jackets, jerseys, socks; baseball caps and hats; skull caps; scarves, International Class 25; Discs for playing disc golf; playing cards International Class 28; and Beer; ale; stout; porter; malt liquor, International Class 32. The Registration is valid and subsisting, unrevoked and uncanceled. The Registration provides that INSPIRED BREWING was first used in commerce in association with some of the goods as early 2003. An extract from the Trademark Status & Document Retrieval (TSDR) of the U.S. Patent and Trademark Office showing the current status and particulars of Opposer's Registration is attached hereto as Exhibit A and is made of record in this proceeding.

4. The trademark INSPIRED BREWING was adopted by Opposer as trademark for alcoholic beverages as early as 2003. Opposer has engaged in the development, manufacture, advertising, distribution and sale in interstate commerce of alcoholic beverages under the INSPIRED BREWING trademark for approximately ten (10) years. As such, Opposer claims the benefit of all statutory and common law rights which have inured to the benefit of Opposer from the use of the INSPIRED BREWING trademark.
5. The INSPIRED BREWING trademark has been in continuous use in interstate commerce by Opposer for at least ten (10) years on or in connection with alcoholic beverages on labels bearing the trademark applied to the goods, on packaging in which the goods are shipped and sold, on display in advertising and in other manners which are customary in the trade.

6. Opposer's development, manufacture, advertising, distribution and sale in interstate commerce of products under the INSPIRED BREWING trademark significantly predate the filing date of the Application and any potential alleged use of the INNOVATION BREWING mark by the Applicant.
7. Opposer has made and continues to make significant investment in the INSPIRED BREWING brand, including manufacturing, advertising and promoting goods bearing the INSPIRED BREWING trademark. As a result of such investment, Opposer enjoys significant sales, valuable goodwill, and an enviable reputation associated with the INSPIRED BREWING brand and trademark.
8. Opposer's INSPIRED BREWING trademark is distinctive and well-known and became well-known long prior to the filing date of the instant Application and any potential alleged use of the INNOVATION BREWING mark by the Applicant.
9. Applicant's INNOVATION BREWING mark, when considered in its entirety, is similar in sight, sound, appearance, and commercial impression to Opposer's INSPIRED BREWING trademark. Further, the mark, when applied to Applicant's goods, which are identical to and closely related to Opposer's goods bearing the INSPIRED BREWING trademark, or used in association with Applicant's goods, are likely to cause confusion and mistake, and to deceive and mislead consumers into believing that Applicant's beverages originated, are sponsored by, are licensed from, or are jointly owned by or otherwise associated with Opposer and/or Opposer's goods marked with its INSPIRED BREWING trademark.

10. Opposer owns the entire right, title and interest in and to the trademark BOTTLING INNOVATION SINCE 1985 which trademark was adopted by Opposer as trademark for alcoholic beverages as early as 2009 (herein referred to as "BOTTLING INNOVATION"). Opposer has engaged in the advertising, distribution and sale in interstate commerce of alcoholic beverages under the BOTTLING INNOVATION trademark for approximately four (4) years. As such, Opposer claims the benefit of all statutory and common law rights which have inured to the benefit of Opposer from the use of the BOTTLING INNOVATION trademark.
11. The BOTTLING INNOVATION trademark has been in continuous use in interstate commerce by Opposer since as early as 2009 on or in connection with alcoholic beverages, on delivery vehicles in which the goods are shipped, on display in advertising and in other manners which are customary in the trade.
12. Opposer's development, manufacture, advertising, distribution and sale in interstate commerce of products under the BOTTLING INNOVATION trademark significantly predate the filing date of the Application and any potential alleged use of the INNOVATION BREWING mark by the Applicant.
13. Opposer has made and continues to make significant investment in the BOTTLING INNOVATION brand, including advertising and promoting goods in association with the BOTTLING INNOVATION trademark. As a result of such investment, Opposer enjoys significant sales, valuable goodwill, and an enviable reputation associated with the BOTTLING INNOVATION brand and trademark.

14. Opposer's BOTTLING INNOVATION trademark is distinctive and well-known and became well-known long prior to the filing date of the instant Application and any potential alleged use of the INNOVATION BREWING mark by the Applicant.
15. Applicant's INNOVATION BREWING mark, when considered in its entirety, is similar in sight, sound, appearance, and commercial impression to Opposer's BOTTLING INNOVATION trademark. Further, the mark, when applied to Applicant's goods, which are closely related to Opposer's goods bearing the BOTTLING INNOVATION trademark, or used in association with Applicant's goods, are likely to cause confusion and mistake, and to deceive and mislead consumers into believing that Applicant's beverages originated, are sponsored by, are licensed from, or are jointly owned by or otherwise associated with Opposer and/or Opposer's goods marked with its BOTTLING INNOVATION trademark.
16. Opposer will be irreparably damaged and/or injured by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of Applicant's mark sought to be registered in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), and will give color of statutory rights to Applicant in violation and derogation of the statutory and common law rights of Opposer in its INSPIRED BREWING trademarks.

COUNT II

17. Opposer hereby repeats and reavers paragraphs 1 through 16 of the First Amended Notice of Opposition.

18.Applicant's INNOVATION BREWING mark is merely descriptive.

19.Applicant has disclaimed exclusive rights in the term BREWING.

20.Upon information and belief, Applicant uses or intends to use Applicant's INNOVATION BREWING mark in connection with experimental, new, unique and innovative beers.

21.Upon information and belief, Applicant chose the INNOVATION BREWING mark because it describes the process Applicant uses to make its goods.

22.Upon information and belief, Applicant has stated that "we are constantly evolving and crafting new and unique styles of beer" and "Innovation is what we had to do to make everything work."

23.Accordingly, Applicant's INNOVATION BREWING mark is merely descriptive of the goods offered by Applicant because it describes the methods used to make the goods offered by Applicant and/or a characteristic of the goods offered by Applicant, namely innovative beer.

24.Upon information and belief, Applicant's INNOVATION BREWING mark has not become distinctive of the goods offered in connection with it and no customer recognition of the term as a valid trademark identifying Applicant as the source of particular beer has been achieved.

25. Upon information and belief, numerous third parties in the relevant trade or industry use the term “innovation” or a form thereof when referring to new, cutting-edge or creative beers.

26. The INNOVATION BREWING mark sought to be registered is merely descriptive of Applicant's goods and is, therefore, not entitled to registration under Section 2(e) of the Lanham Act, 15 U.S.C. § 1052(e).

Wherefore, Opposer believes that it will be damaged by the registration of Applicant's marks and respectfully requests that this opposition be sustained and that registration of Application Serial No. 85/929,587 be refused.

Respectfully submitted,

DORSEY & WHITNEY
LLP
//fssunderji//

Dated: 20 March 2015

Sarah M. ROBERTSON
Susan PROGOFF
Fara S. SUNDERJI
Attorney for Opposer
51 West 52nd Street
New York, New York 10019-6119
Phone: (212-415-9200)

THE FIRM OF
HUESCHEN AND
SAGE

//jtfrenchgpsage//

~~Dated: 14 April 2014~~

G. Patrick SAGE (37,710)
Joanna T. FRENCH (59,688)
Attorney for Opposer
Seventh Floor, Kalamazoo Building
107 West Michigan Avenue
Kalamazoo, Michigan 49007
Phone: (269-382-0030)

Attorneys for Bell's Brewery, Inc.

~~DORSEY & WHITNEY LLP~~

~~//smrobertson//~~

~~**Sarah M. ROBERTSON**~~
~~Attorney for Opposer~~
~~51 West 52nd Street~~
~~107 West Michigan Avenue~~
~~New York, New York 10019-6119~~
~~Phone: (212-415-9200)~~

EXHIBIT L

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark
Application Serial No. 85/929,587

BELL'S BREWERY, INC.

Opposer,

v.

INNOVATION BREWING

Applicant.

Opposition No. 91215896

FIRST AMENDED NOTICE OF OPPOSITION

COUNT I

BELL'S BREWERY, INC. ("Opposer"), a Michigan Corporation, located at 8938 Krum Avenue, Galesburg, Michigan 49053, believes that it will be damaged by registration of the mark INNOVATION BREWING, which is the subject of Application Serial No. 85/929,587, filed by INNOVATION BREWING, a North Carolina Limited Liability Company, identifying the goods "beer", in International Class 32 ("Application"), published in the Official Gazette on 15 October 2013, and hereby opposes the same. Opposer timely extended time to oppose on 25 October 2013 and 12 February 2014.

As grounds for opposition, it is alleged that:

1. By the Application herein opposed, Applicant seeks to register the mark INNOVATION BREWING for “beer”, in International Class 32. The Application was filed on 12 May 2013 under an intent-to-use basis pursuant to 15 U.S.C. §1051(b).
2. Opposer owns the entire right, title and interest in and to the trademark INSPIRED BREWING as evidenced by U.S. Registration No. 3,122,464 issued on the Principal Register of the U.S. Patent and Trademark Office on 01 August 2006 for use in association with “beer, porter, ale, stout and malt liquor”, in International Class 32. The Registration provides that INSPIRED BREWING was first used in commerce in 2003. The Registration is valid and subsisting, unrevoked and uncanceled. Further, U.S. Registration No. 3,122,464 is incontestable pursuant to 15 U.S.C. §1065. An extract from the Trademark Status & Document Retrieval (TSDR) of the U.S. Patent and Trademark Office showing the current status and particulars of Opposer's Registration is attached hereto as Exhibit A and is made of record in this proceeding.
3. Opposer owns the entire right, title and interest in and to the trademark INSPIRED BREWING as evidenced by U.S. Registration No. 4,098,319 issued on the Principal Register of the U.S. Patent and Trademark Office on 14 February 2012 for use in association with "Paper goods, namely, posters, stickers, bumper stickers, paper coasters; paper materials and printed matter, namely, posters, stickers, bumper stickers, paper coasters, in International Class 16; Messenger bags; handbags; purses; wallets; umbrellas; patio umbrellas, in International Class 18; Beverage glassware; bottle opener; reusable stainless steel water bottles sold empty; reusable plastic water bottles sold empty; insulating sleeve holders for beverage bottles;

plastic coasters, in International Class 21; Beach towels; towels, International Class 24; Clothing, namely, shirts, t-shirts, sweatshirts, jackets, jerseys, socks; baseball caps and hats; skull caps; scarves, International Class 25; Discs for playing disc golf; playing cards International Class 28; and Beer; ale; stout; porter; malt liquor, International Class 32. The Registration is valid and subsisting, unrevoked and uncanceled. The Registration provides that INSPIRED BREWING was first used in commerce in association with some of the goods as early 2003. An extract from the Trademark Status & Document Retrieval (TSDR) of the U.S. Patent and Trademark Office showing the current status and particulars of Opposer's Registration is attached hereto as Exhibit A and is made of record in this proceeding.

4. The trademark INSPIRED BREWING was adopted by Opposer as trademark for alcoholic beverages as early as 2003. Opposer has engaged in the development, manufacture, advertising, distribution and sale in interstate commerce of alcoholic beverages under the INSPIRED BREWING trademark for approximately ten (10) years. As such, Opposer claims the benefit of all statutory and common law rights which have inured to the benefit of Opposer from the use of the INSPIRED BREWING trademark.
5. The INSPIRED BREWING trademark has been in continuous use in interstate commerce by Opposer for at least ten (10) years on or in connection with alcoholic beverages on labels bearing the trademark applied to the goods, on packaging in which the goods are shipped and sold, on display in advertising and in other manners which are customary in the trade.

6. Opposer's development, manufacture, advertising, distribution and sale in interstate commerce of products under the INSPIRED BREWING trademark significantly predate the filing date of the Application and any potential alleged use of the INNOVATION BREWING mark by the Applicant.
7. Opposer has made and continues to make significant investment in the INSPIRED BREWING brand, including manufacturing, advertising and promoting goods bearing the INSPIRED BREWING trademark. As a result of such investment, Opposer enjoys significant sales, valuable goodwill, and an enviable reputation associated with the INSPIRED BREWING brand and trademark.
8. Opposer's INSPIRED BREWING trademark is distinctive and well-known and became well-known long prior to the filing date of the instant Application and any potential alleged use of the INNOVATION BREWING mark by the Applicant.
9. Applicant's INNOVATION BREWING mark, when considered in its entirety, is similar in sight, sound, appearance, and commercial impression to Opposer's INSPIRED BREWING trademark. Further, the mark, when applied to Applicant's goods, which are identical to and closely related to Opposer's goods bearing the INSPIRED BREWING trademark, or used in association with Applicant's goods, are likely to cause confusion and mistake, and to deceive and mislead consumers into believing that Applicant's beverages originated, are sponsored by, are licensed from, or are jointly owned by or otherwise associated with Opposer and/or Opposer's goods marked with its INSPIRED BREWING trademark.

10. Opposer owns the entire right, title and interest in and to the trademark BOTTLING INNOVATION SINCE 1985 which trademark was adopted by Opposer as trademark for alcoholic beverages as early as 2009 (herein referred to as "BOTTLING INNOVATION"). Opposer has engaged in the advertising, distribution and sale in interstate commerce of alcoholic beverages under the BOTTLING INNOVATION trademark for approximately four (4) years. As such, Opposer claims the benefit of all statutory and common law rights which have inured to the benefit of Opposer from the use of the BOTTLING INNOVATION trademark.
11. The BOTTLING INNOVATION trademark has been in continuous use in interstate commerce by Opposer since as early as 2009 on or in connection with alcoholic beverages, on delivery vehicles in which the goods are shipped, on display in advertising and in other manners which are customary in the trade.
12. Opposer's development, manufacture, advertising, distribution and sale in interstate commerce of products under the BOTTLING INNOVATION trademark significantly predate the filing date of the Application and any potential alleged use of the INNOVATION BREWING mark by the Applicant.
13. Opposer has made and continues to make significant investment in the BOTTLING INNOVATION brand, including advertising and promoting goods in association with the BOTTLING INNOVATION trademark. As a result of such investment, Opposer enjoys significant sales, valuable goodwill, and an enviable reputation associated with the BOTTLING INNOVATION brand and trademark.

14. Opposer's BOTTLING INNOVATION trademark is distinctive and well-known and became well-known long prior to the filing date of the instant Application and any potential alleged use of the INNOVATION BREWING mark by the Applicant.
15. Applicant's INNOVATION BREWING mark, when considered in its entirety, is similar in sight, sound, appearance, and commercial impression to Opposer's BOTTLING INNOVATION trademark. Further, the mark, when applied to Applicant's goods, which are closely related to Opposer's goods bearing the BOTTLING INNOVATION trademark, or used in association with Applicant's goods, are likely to cause confusion and mistake, and to deceive and mislead consumers into believing that Applicant's beverages originated, are sponsored by, are licensed from, or are jointly owned by or otherwise associated with Opposer and/or Opposer's goods marked with its BOTTLING INNOVATION trademark.
16. Opposer will be irreparably damaged and/or injured by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of Applicant's mark sought to be registered in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), and will give color of statutory rights to Applicant in violation and derogation of the statutory and common law rights of Opposer in its INSPIRED BREWING trademarks.

COUNT II

17. Opposer hereby repeats and reavers paragraphs 1 through 16 of the First Amended Notice of Opposition.

18. Applicant's INNOVATION BREWING mark is merely descriptive.

19. Applicant has disclaimed exclusive rights in the term BREWING.

20. Upon information and belief, Applicant uses or intends to use Applicant's INNOVATION BREWING mark in connection with experimental, new, unique and innovative beers.

21. Upon information and belief, Applicant chose the INNOVATION BREWING mark because it describes the process Applicant uses to make its goods.

22. Upon information and belief, Applicant has stated that "we are constantly evolving and crafting new and unique styles of beer" and "Innovation is what we had to do to make everything work."

23. Accordingly, Applicant's INNOVATION BREWING mark is merely descriptive of the goods offered by Applicant because it describes the methods used to make the goods offered by Applicant and/or a characteristic of the goods offered by Applicant, namely innovative beer.

24. Upon information and belief, Applicant's INNOVATION BREWING mark has not become distinctive of the goods offered in connection with it and no customer recognition of the term as a valid trademark identifying Applicant as the source of particular beer has been achieved.

25. Upon information and belief, numerous third parties in the relevant trade or industry use the term “innovation” or a form thereof when referring to new, cutting-edge or creative beers.

26. The INNOVATION BREWING mark sought to be registered is merely descriptive of Applicant's goods and is, therefore, not entitled to registration under Section 2(e) of the Lanham Act, 15 U.S.C. § 1052(e).

Wherefore, Opposer believes that it will be damaged by the registration of Applicant's marks and respectfully requests that this opposition be sustained and that registration of Application Serial No. 85/929,587 be refused.

Respectfully submitted,

DORSEY & WHITNEY LLP

//fssunderji//

Dated: 20 March 2015

Sarah M. ROBERTSON

Susan PROGOFF

Fara S. SUNDERJI

Attorney for Opposer

51 West 52nd Street

New York, New York 10019-6119

Phone: (212-415-9200)

THE FIRM OF HUESCHEN AND SAGE

//gpsage//

G. Patrick SAGE (37,710)

Joanna T. FRENCH (59,688)

Attorney for Opposer

Seventh Floor, Kalamazoo Building

107 West Michigan Avenue

Kalamazoo, Michigan 49007

Phone: (269-382-0030)

Attorneys for Bell's Brewery, Inc.

EXHIBIT A

STATUS DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2014-04-14 13:04:16 EDT

Mark: INSPIRED BREWING

INSPIRED BREWING

US Serial Number: 76638946

Application Filing Date: May 19, 2005

US Registration Number: 3122464

Registration Date: Aug. 01, 2006

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Sep. 15, 2011

Publication Date: May 09, 2006

Mark Information

Mark Literal Elements: INSPIRED BREWING

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "BREWING"

Goods and Services**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services:

For: Beer, porter, ale, stout and malt liquor

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 2003

Use in Commerce: Dec. 2003

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: BELL'S BREWERY, INC.

Owner Address: 8938 KRUM AVENUE
GALESBURG, MICHIGAN 49053
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where
Organized: MICHIGAN**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: G. Patrick Sage

Docket Number: BELL FTM 11

CorrespondentCorrespondent Name/Address: G. Patrick Sage
HUESCHEN & SAGE PLLC
107 WEST MICHIGAN AVENUE
SEVENTH FLOOR, KALAMAZOO BUILDING
KALAMAZOO, MICHIGAN 49007
UNITED STATES

Phone: 269-382-0030

Fax: 269-382-2030

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 16, 2011	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Sep. 15, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68335
Sep. 15, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Aug. 10, 2011	TEAS SECTION 8 & 15 RECEIVED	
Aug. 01, 2006	REGISTERED-PRINCIPAL REGISTER	
May 09, 2006	PUBLISHED FOR OPPOSITION	
Apr. 19, 2006	NOTICE OF PUBLICATION	
Mar. 17, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	71466
Mar. 06, 2006	ASSIGNED TO LIE	71466
Mar. 02, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 02, 2006	AMENDMENT FROM APPLICANT ENTERED	71466
Feb. 13, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	71466
Feb. 13, 2006	PAPER RECEIVED	
Dec. 16, 2005	NON-FINAL ACTION MAILED	
Dec. 15, 2005	NON-FINAL ACTION WRITTEN	76612
Dec. 14, 2005	ASSIGNED TO EXAMINER	76612
Oct. 02, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 20, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 31, 2005	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 115

Date in Location: Sep. 15, 2011

Assignment Abstract Of Title Information - Click to Load**Proceedings - Click to Load**

STATUS DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2014-04-14 13:03:45 EDT

Mark: INSPIRED BREWING

INSPIRED BREWING

US Serial Number: 85296771

Application Filing Date: Apr. 15, 2011

US Registration Number: 4098319

Registration Date: Feb. 14, 2012

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 14, 2012

Publication Date: Nov. 29, 2011

Mark Information

Mark Literal Elements: INSPIRED BREWING

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "BREWING"

Related Properties Information

Claimed Ownership of US [3122464](#)

Registrations:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *,* identify additional (new) wording in the goods/services.

For: Paper goods, namely, posters, stickers, bumper stickers, paper coasters; paper materials and printed matter, namely, posters, stickers, bumper stickers, paper coasters

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2003

Use in Commerce: Dec. 01, 2003

For: Messenger bags; handbags; purses; wallets; umbrellas; patio umbrellas

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(a)

First Use: 2007

Use in Commerce: 2007

For: Beverage glassware; bottle opener; reusable stainless steel water bottles sold empty; reusable plastic water bottles sold empty; insulating sleeve holders for beverage bottles; plastic coasters

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2003

Use in Commerce: Dec. 01, 2003

For: Beach towels; towels

International Class(es): 024 - Primary Class

U.S Class(es): 042, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: 2009

Use in Commerce: 2009

For: Clothing, namely, shirts, t-shirts, sweatshirts, jackets, jerseys, socks; baseball caps and hats; skull caps; scarves

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: 2006

Use in Commerce: 2006

For: Discs for playing disc golf; playing cards

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 2007

Use in Commerce: Sep. 2007

For: Beer; ale; stout; porter; malt liquor

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2003

Use in Commerce: Dec. 01, 2003

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: BELL'S BREWERY, INC.

Owner Address: 8938 Krum Avenue
Galesburg, MICHIGAN 49053
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: MICHIGAN

Attorney/Correspondence Information**Attorney of Record**

Attorney Name: G. Patrick SAGE

Docket Number: BELL FTM 21

CorrespondentCorrespondent Name/Address: G. PATRICK SAGE
HUESCHEN AND SAGE PLLC
107 W MICHIGAN AVE STE 700
KALAMAZOO, MICHIGAN 49007-3976
UNITED STATES

Phone: 269-382-0030

Fax: 269-382-2030

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Feb. 14, 2012	REGISTERED-PRINCIPAL REGISTER	
Nov. 29, 2011	PUBLISHED FOR OPPOSITION	
Nov. 09, 2011	NOTICE OF PUBLICATION	
Oct. 25, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	73296
Oct. 20, 2011	ASSIGNED TO LIE	73296
Sep. 27, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 23, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 23, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 23, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 21, 2011	NON-FINAL ACTION MAILED	
Jun. 20, 2011	NON-FINAL ACTION WRITTEN	76502
Jun. 15, 2011	ASSIGNED TO EXAMINER	76502
Apr. 19, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 19, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 14, 2012

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load
